





COMDTINST M16000.11

COMMANDANT INSTRUCTION M16000.11

27 JUN 85

Subj: Transmittal Of Volume VI - Ports And Waterways Activities - Marine
Safety Manual, COMDTINST M16000.11

1. PURPOSE. This Instruction releases the revised volume VI of the Marine Safety Manual (MSM) for the information, use, and guidance of Coast Guard personnel assigned to port and environmental safety (PES) duties. It presents the authority, background, and rationale for the various programs associated with these duties, and prescribes essential functions which must be performed in order to attain the overall PES objectives of the Coast Guard.
2. DIRECTIVES AFFECTED. COMDTINST M16000.3 (old CG-495) dated 17 OCT 1977 is cancelled.
3. DISCUSSION.
 - a. A comprehensive manual which provides guidance on the application of Coast Guard regulations, and explains the rationale behind their development, is vital to the successful execution of the PES Program. This volume serves that function by providing an overview of the various PES-related Coast Guard program areas, including deepwater ports (DWP's), bridge administration, vessel traffic management, ocean dumping, contingency planning for emergency response, pollution response, and Coast Guard firefighting.
 - b. The master Table of Contents, found in the front of this volume, lists the Headquarters staff symbol and telephone number of the branch responsible for the information provided in that chapter.
 - c. Chapter 87 of old CG-495, Port Security, has been moved to the new volume VII (TO BE DEVELOPED) of this manual, where discussion of this topic will be greatly expanded by Commandant (G-WPE-2).

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3. d. The policies and directions in this volume, and in subsequent amendments to this volume, whether mandatory or permissive, are intended only for the internal use of the Coast Guard. Nothing herein is intended to create rights or expectations on the part of other parties, or to establish any duty or standard of care owing to other parties on the part of the Coast Guard. The provisions of this volume may not cover individual situations which are best handled through experience and sound judgment. Hence, the policies and directions herein are intended to promote consistent and uniform execution of the PES Program, without undue restriction of independent judgment on the part of marine safety personnel.
- e. In conforming with the policies of the Coast Guard Directives System, the MSM will continue to utilize three-ring binders. Coast Guard subscribers may obtain these binders through the federal supply system, using stock number 7510-01-114-3612. As three-ring binders are more readily available than four-ring binders, acquisition by the general public should present little difficulty.
- f. All personnel are encouraged to use the self-mailer, Form CG-5122, to make suggestions for improving the volume.
4. CHANGES. When necessary, the volume will be updated by consecutively numbered changes.
5. ACTION. District commanders and commanding officers shall ensure that personnel performing marine safety duties are familiar with the provisions of this volume. In cases of apparent conflict between this volume and provisions of statutes or regulations, the latter provisions shall be applied and Commandant (G-W) shall be advised of the apparent conflict. In cases where there is an apparent conflict between the volume and current marine practice, Commandant (G-W) should be contacted for further resolution of the matter. Appropriate action will be taken in such cases to correct conflicting provisions of this volume.


J. H. PARENT
 Captain, U. S. Coast Guard
 Acting Chief, Office of Marine
 Environment and Systems

2 JUN 1986

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DEPARTMENT OF
TRANSPORTATION
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CG-5122 (Rev. 10-84)

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CHAPTER 1. PORTS AND WATERWAYS SAFETY

A. General Considerations.

1. Objectives.

- a. To minimize deaths, personal injuries, and property loss or damage associated with vessels and onshore and offshore facilities engaged in commercial, scientific, or exploratory activity in the marine environment.
- b. To safeguard the nation's ports, waterways, port facilities, vessels, persons, and property in the vicinity of the port, from accidental or intentional destruction, damage, loss, or injury.
- c. To protect the navigable waters and adjacent shore areas of the U.S. and adjacent resources from environmental harm.
- d. To prevent pollution of the marine environment from accidental or intentional discharges of oil, hazardous substances, dredged spoils, sewage, and wastes from vessels.

2. Scope Of Enforcement Of Regulatory Activities. The captain of the port (COTP) administers the multimission Port and Environmental Safety (PES) Program by enforcing laws and regulations for the following activities:

- a. General authority for maritime enforcement of U.S. laws: 14 U.S.C. 89.
- b. Rendering aid to distressed persons, vessels, and aircraft on the high seas and waters over which the United States has jurisdiction: 14 U.S.C. 88.
- c. Cooperation with any federal agency, state, territory, possession, or political subdivision thereof, or the District of Columbia: 14 U.S.C. 141.
- d. Prevention of damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and protection of the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss: 33 U.S.C. 1221 et seq.; 33 CFR 126, 160, and 164.
- e. Transportation of hazardous materials in vessels, including the carriage of explosives or other dangerous articles: 49 U.S.C. 1801 et seq.; 46 CFR 146; 49 CFR 170-177.
- f. Vessels carrying flammable or combustible liquids in bulk as cargo: 46 U.S.C. Chapter 37; 46 CFR 1-40.

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- 1.A.2. g. Establishment of anchorage grounds and special anchorage areas for vessels in the harbors, rivers, bays, and other navigable waters of the United States: 33 U.S.C. 471, 474, 1221, and 2030; 33 CFR 110.
- h. Prevention of pollution from ships and enforcement of waste reception facility requirements: 33 U.S.C. 1901 et seq.; 33 CFR 151, 155, 157, and 158; 46 CFR 153.
- i. Prevention of oil discharges into navigable waters from vessels and transportation-related facilities: 33 U.S.C. 1321; 33 CFR 154-156.
- j. Prevention of deposits of refuse in navigable waters of the United States: 33 U.S.C. 407, 421, and 441.
- k. Handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities: 33 U.S.C. 1221; 33 CFR 126.
- l. Establishment of regulated navigation areas (RNA's): 33 U.S.C. 1225 and 1231; 33 CFR 165.
- m. Requirements to follow orders and directions of the COTP and district commander: 33 U.S.C. 1223; 33 CFR 160.
- n. Procedures for vessel traffic management: 33 U.S.C. 1223; 33 CFR 161.
- o. Navigation safety regulations: 33 U.S.C. 1223; 33 CFR 164.
- p. Safety zones for protection of vessels, structures, water and shore areas, Outer Continental Shelf (OCS) facilities, and deepwater ports (DWP's): 33 U.S.C. 1223, 1225, and 1509(d); 43 U.S.C. 1333; 33 CFR 147 and 165.
- q. Control of DWP's: 33 U.S.C. 1501; 33 CFR 148-150.
- r. Enforcement of regatta regulations: 33 U.S.C. 1234-1235; 33 CFR 100.
- s. Termination of unsafe operation of recreational vessels: 46 U.S.C. 4308; Commandant Instruction (COMDTINST) M16704.2B, Ch. 11.
- t. Surveillance of ocean dumping activities: 33 U.S.C. 1401; 40 CFR 120-128.
- u. Establishment of lightering zones: 46 U.S.C. 3715.
3. Primary Authorities. The following laws provide the primary authority for the Ports and Waterways Safety Program.
- a. Ports And Waterways Safety Act (PWSA) Of 1972. The purpose of the PWSA (33 U.S.C. 1221 et seq.) is to increase navigation and vessel safety, protection of the marine environment, and protection of life, property, and structures in, on, or immediately adjacent to the navigable waters of the United States. The PWSA does not provide for

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- 1.A.3. a. (cont'd) personnel screening programs nor for emergency security powers, but does provide for the protection and "safe use" of the port and for protection against the degradation of the marine environment. It specifically provides for the establishment, operation, and maintenance of vessel traffic services (VTS), control of vessel movement, establishment of requirements for vessel operation, and other related port safety controls.
- b. Port And Tanker Safety Act (PTSA) Of 1978. In October 1977, the authority for the regulations contained in 33 CFR 126 was amended. This change now makes violations of the waterfront facility regulations subject to the civil and criminal penalties of the PWSA (33 U.S.C. 1232) (see volume II of this manual). In October 1978, the PWSA was significantly amended by Section 2 of the PTSA (33 U.S.C. 1221 et seq.). The PTSA expanded many equipment and operating requirements for vessels (with emphasis on tank vessels) to coincide with many international initiatives, such as agreements reached by the International Maritime Organization (IMO). The PTSA now serves as the strongest authority for the PES Program, and is the basis for the navigation safety regulations and the Marine Safety Information System (MSIS).
4. Program Coordination And Support. The proper achievement of PES objectives requires the cooperation of all Coast Guard activities. Although the particular expertise for dealing with specific PES Program related matters in the field may be found at marine safety offices (MSO's), COTP's, or port safety stations (PSSTA's), other Coast Guard activities also play a key role in the marine safety mission. Routine patrols on and along waterways can detect violations of laws and regulations. Such violations should be reported to the cognizant COTP or officer in charge, marine inspection (OCMI) so that the situation may be investigated and remedial action initiated, if necessary. In certain situations the patrol can initiate corrective action while the reporting process is begun, although in these cases a report must be made to the COTP or OCMI immediately. Keeping a watchful eye on the activities of ports and waterways subject to the jurisdiction of the United States is the duty of all Coast Guard personnel. Consultation with representatives of the maritime community, port and harbor authorities, environmental groups, and other affected parties is required by 33 U.S.C. 1224(b). Consultation with state and local officials is required by E.O. 12372.

B. Surveillance And Detection Policy.

1. Authority. A number of pollution prevention, vessel inspection, and navigation laws and treaties call for Coast Guard enforcement:
- a. The Federal Water Pollution Control Act (FWPCA), as amended, delegates to the Coast Guard enforcement authority and responsibility in cases where oil or hazardous substances are discharged in quantities which may be harmful into U.S. waters and the waters of the contiguous zone. In addition, once the Environmental Protection Agency (EPA) establishes the quantity of oil which may be harmful, Coast Guard

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- 1.B.1. a. (cont'd) responsibility will extend seaward to cover discharges in connection with activities under the Outer Continental Shelf Lands Act (OCSLA) or the Deepwater Port Act (DPA) of 1974, and discharges which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (includes the resources covered by the Magnuson Fishery Conservation and Management Act and the Exclusive Economic Zone).
- b. The Act to Prevent Pollution from Ships (APPS) (33 U.S.C. 1901 et seq.) implements the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78). This statute limits the operational discharges of oil from ships through equipment and operational requirements, and provides reception facilities to receive waste that cannot be discharged at sea. The Coast Guard is tasked with APPS enforcement.
- c. The Refuse Act (33 U.S.C. 407) is enforced jointly by the Coast Guard and the U.S. Army Corps of Engineers (USACE). It has been interpreted to prohibit the discharge of virtually any material into the navigable waters of the U.S., but is limited in its usefulness since it only provides judicial remedies.
- d. The Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) (33 U.S.C. 1401 et seq.) requires Coast Guard surveillance of ocean dumping activities (see chapter 5 of this volume).
- e. The PWSA (33 U.S.C. 1221 et seq.) and 46 U.S.C. Chapter 37 provide broad authority in the areas of safety and environmental protection in ports, harbors, waterfront areas, and navigable waters. The Coast Guard is further charged with regulating the carriage of explosives or other dangerous articles on vessels (49 U.S.C. 1801 et seq.).
2. Marine Safety Aerial Surveillance. Presently, aerial pollution prevention patrols using visual observation are conducted routinely through non-dedicated flights (whenever an aircraft is aloft for any type of patrol, the crew is looking for oil). These flights cover the complete coast of the United States, with increased patrol goals for areas identified as having a greater frequency of oil sightings. It is anticipated that this program will be replaced by AIREYE, when it becomes operational.
3. Marine Safety Surveillance.
- a. Multimission Patrols. The need for marine safety patrols (by foot, vehicle, or boat) arises from the continuing potential for maritime hazards in our ports: vessel collisions or groundings, vessel or facility fires, accidental cargo discharges, discharges and releases of pollutants, any of which may cause property damage and personnel casualties, or other harm to the marine environment or other national interests. They may arise through negligence, lack of training or knowledge, or deliberate acts. Marine safety patrols are aimed at detection, deterrence, and prevention of marine hazards through the

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1.B.3. a. (cont'd) enforcement of safety regulations. A working knowledge of the port area is essential to the successful performance of patrol duty.

b. Patrol Administration. The marine safety patrol is a basic tool of the COTP covering a wide range of responsibilities and tasks. In addition to inspection and response functions, patrol members are a visible enforcement arm of the COTP (and the OCMI). Ideally, they deter regulatory and statutory violations of all kinds. A patrol team is preferable to dispatching a single person. It should consist of two or more persons adequately trained in the various regulatory requirements and duties of the patrol. The "buddy" system is especially effective in large port complexes with concentrated waterfront facilities/structures and shipping activity, because it:

- (1) Serves as a protective system of moving personnel through often dangerous waterfront areas;
- (2) Provides a witness in case of disputed actions or alleged violations of requirements; and
- (3) Lends itself to cross training and sharing experience in the execution of all marine safety enforcement duties.

Patrol schedules should normally coincide with periods of peak activity in the port, generally following the normal workday and workweek. Nighttime patrols should be conducted as deemed necessary by the COTP to cover port areas with high spill rates and/or to maintain a deterrent effect. As activities and hazards vary from place to place, so do resulting patrol requirements. Patrols should be familiar with the geographic area assigned, with particular regard to maritime activity and hazards. Personal contact with industry supervisors in the patrol area is invaluable for information gathering and assistance. Familiarity with available emergency response personnel and equipment in a particular area is likewise important.

c. Establishing Patrol Areas. The patrol area is determined by the size of the unit, the size of the COTP zone, the concentration of facilities and vessel activity, the location of maritime hazards, and the geographic nature of the port/waterway. To better allocate patrol resources, the COTP should develop a patrol distribution plan. The unit plan should be developed according to several factors, including:

- (1) Equalization of workloads. Distribution into equally active areas should permit all hands in each patrol to have the same approximate time for prevention, inspection, and boarding activities. This should also equalize experience and hazard exposure.
- (2) Reduction of response time to radio calls by distribution of patrol forces throughout the area.

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- 1.B.3.c. (3) The geographical makeup of the area that may complicate the distribution plan. For example, rivers, swamps, islands, bridges, tunnels, ferries, and transportation traffic patterns may tend to isolate some parts of the area.

An adequate communication watch shall be maintained at the unit to maintain contact with patrols. Each patrol shall have voice communication or electronic paging device ("beeper") capability. Patrol personnel shall be experienced in proper radio discipline and procedure.

- d. Harbor Patrols. Mission performance standards are prescribed in volume I of this manual. Harbor patrol personnel shall observe, report, and act upon, as directed:
- (1) The presence and location of all vessels in authorized anchorages, (including restricted anchorages) to ensure compliance with requirements pursuant to 33 U.S.C. 471 and 474 and 33 CFR 110, if applicable;
 - (2) Load lines and draft markings of all vessels in the port to detect possible violations of the Load Line Acts (46 App. U.S.C. 86-86i and 88-88i);
 - (3) Vessel bunkering and lightering operations within the harbor;
 - (4) The presence of oil or hazardous substances pollution around vessels and along the waterfront;
 - (5) The presence of any obstructions to navigation;
 - (6) Any observed discrepancies to the operation of aids to navigation in the harbor area;
 - (7) The presence of dangerous or illegal conditions or situations, such as improperly moored vessels, vessel or waterfront fires, or oil spills; and
 - (8) Any other matter for which the Coast Guard has authority.
- e. Use Of Small Boats. Patrols are most effective when operated at irregular intervals. Small boats are used to patrol anchorage areas, RNA's, bridge and tunnel areas, and the watersides of piers and wharfs; to enforce safety and security zones; to aid or transport inspection and boarding teams; to conduct boardings for the enforcement of navigation and boating safety requirements (see volume II of this manual, and the Boarding Guide, COMDTINST M16247.1 Series); to participate in search and rescue (SAR) operations, as required; to transport government personnel or serve as a surveillance platform in support of government operations; and to take appropriate action regarding any other matter for which the Coast Guard has authority. (See COMDTINST 16114 Series for required small boat coxswain and crew

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- 1.B.3. e. (cont'd) qualifications.) In those situations where a Coast Guard boat may be required but is unavailable, the COTP should request assistance from local authorities having harbor patrol craft. Establishment of local agreements is encouraged.
- f. Load Line Patrols. Under the provisions of 46 App. U.S.C. 86-86i and 88-88i, the Coast Guard has established load line regulations for merchant vessels. These regulations are contained in 46 CFR 42-46. Additional background and reference material may be found in the Boarding Guide and volumes IV and V of this manual.
- (1) Vessel Applicability. The COTP shall ensure that boarding team and harbor patrol personnel are alert to possible load line violations. They should observe commercial vessels to ensure that load lines are marked conspicuously and permanently on both sides of the hull amidships. All oceangoing commercial vessels over 150 gross tons (GT) and new vessels over 79 feet in length on foreign voyages, coastwise voyages, and Great Lakes voyages must have assigned load lines. Naval ships, new vessels under 79 feet in length, existing vessels under 150 GT, fishing vessels, pleasure yachts not engaged in trade, and vessels engaged solely in voyages in U.S. inland waters are not required to have load lines.
- (2) Plimsoll Mark. The basic load line mark is the "Plimsoll mark," either a circle or diamond with a horizontal line drawn through the center. The top of the line marks the center of the circle or diamond, and it is from that point that the measurement is taken. The Plimsoll mark is permanently marked amidships on both sides of a vessel. Directly above the Plimsoll mark is the deck line reference mark, usually a painted, welded line in the shell plating, from which freeboard measurements are made (see Figure 1-1). If the load line is completely submerged, personnel should investigate further. This may be due to the vessel's listing toward the submerged mark or climatic conditions such as salinity of the water. If it is determined that both Plimsoll marks are submerged, the patrol should report to the duty officer, who shall arrange for an investigating officer (I.O.) to board the vessel and conduct a load line investigation. [NOTE: There is no reportable violation of a submerged load line, unless the vessel has entered from or is already underway leaving on a voyage which will take it beyond the baseline.] The OCMI shall use the information contained in volume V of this manual to determine which vessels must have valid 1966 Load Line Certificates. Questions concerning the validity of certificates should be directed to Commandant (G-MTH-5), via the district commander (m), and the district legal officer where appropriate.

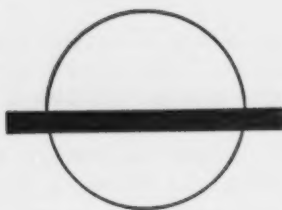
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FIGURE 1-1
LOAD LINE MARKS

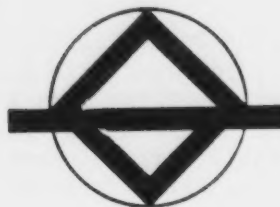
DECK LINE REFERENCE MARK



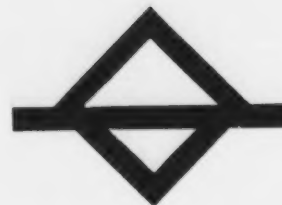
LOAD LINE PLIMSOLL MARK



**Domestic/Foreign
Voyages**



**Variance for
Steam Colliers/Barges
and Self-propelled Barges**



Great Lakes Voyages

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- 1.B.3. g. Pollution Patrols. Patrol members should be constantly aware of indications that a pollution incident has taken place or may take place, including:
- (1) Oil in the water, booms, cleanup equipment.
 - (2) Calmer areas on water (oil on water reduces wave action).
 - (3) Unusual waterfowl activity which might indicate a foreign substance in the water.
 - (4) Dark streaks down a vessel's hull that may indicate a recent spillage over the side.
 - (5) Unusual activity on the deck of a vessel, on a pier, or on a beach that may indicate a discharge on deck (pier, beach), such as:
 - (a) Hosing down of an area in attempts to remove or disperse oil on the ground or in the water;
 - (b) The dumping of absorbent or dispersant material (such as liquid soaps) into the water or on the ground;
 - (c) Flashing lights indicating the presence of fire department vehicle, ambulance, etc.; and
 - (d) Clusters of people on a pier or on shore.
 - (6) Vapor clouds of any type, or smoke.
 - (7) Overboard discharges from a vessel or any discoloration of the water.
 - (8) A wrecked or beached vessel.
 - (9) A vessel listing or deeper than its load line, or any other unusual vessel attitude.
 - (10) Unblanked hoses on a pier or unblanked manifolds.
 - (11) Runoff from storm sewers, banks and shoreline after rainfall.
 - (12) A vessel circling in one area.
 - (13) Persons painting over the side of a vessel or painting on a bridge over water.

The above list is not all-inclusive, but it provides examples of activities that may warrant further investigation. If the patrol determines that a pollution incident has occurred, the duty officer shall be notified as soon as possible after discovery.

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1.C. Waterfront Facility Surveys.

1. Introduction. The primary reason for conducting surveys of waterfront facilities is to have information readily available to assist in making a proper and well-informed response to an emergency. Disclosure of this information by facility operators is voluntary and subject in part to the Privacy Act of 1974 (5 U.S.C. 552a). However, facility operators should be made aware that the lack of such information may impair the Coast Guard's response in the event of an emergency. The manner in which this information has been collected through the years has varied from unit to unit. Regardless of what persons are assigned to perform this task, the compilation of waterfront facility data is essential for proper contingency and operational planning. (See chapter 6 of this volume for a discussion of contingency planning.)
2. Elements Of A Survey. The following list contains a sampling of information gained from waterfront facility surveys:
 - a. Owner and operator names;
 - b. Emergency phone numbers;
 - c. Facility purpose;
 - d. Cargoes handled (capacity);
 - e. Firefighting equipment;
 - f. Pollution abatement equipment;
 - g. Emergency equipment;
 - h. Physical security equipment (e.g., guards, fences, lighting, and access control/restrictions);
 - i. Physical description of facility (tanks, berths, buildings, pipelines, water intakes and permitted discharges, etc.);
 - j. Special features (cranes, tugs, etc.) of aerial photographs; and
 - k. Operations manuals, where required.

Completed surveys are reported as an element of the PES/MER Quarterly Activities Report (QAR), Form CG-4957.

- D. Anchorage Administration. The Coast Guard has been delegated authority to establish, administer, and enforce anchorage areas, pursuant to 49 CFR 1.46. [NOTE: The authority to establish special and general anchorages pursuant to 33 U.S.C. 471, 474, 2030, 2035, and 2071 has been redelegated to district commanders, see 33 CFR 1.05-1(g).]

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- 1.D.1. Special Anchorage Areas. The Commandant or district commander may designate certain areas as special anchorage areas, in which vessels not more than 65 feet in length may anchor without being required to show anchor lights. Guidance on establishing special anchorage areas is found in COMDTINST M16704.2 Series. Areas designated as special anchorage areas and the regulations for each are contained in 33 CFR 110, Subpart A.
2. Anchorage Grounds. Anchorage grounds are those which have been established by the Commandant or district commander as such, not designated as special anchorage areas. Established anchorage grounds and the regulations pertaining to each are contained in 33 CFR 110, Subpart B. In some cases, the anchorage ground and the special anchorage area may overlap. [NOTE: The term "general anchorage" is frequently used as a synonym for "anchorage grounds," but this usage is incorrect. A general anchorage is an area not designated specifically for anchoring for special purposes such as quarantine, lightering, or transferring explosives.] Guidance on establishing anchorage grounds is found in COMDTINST M16704.2 Series.
3. Enforcement Activities. Insofar as practicable, the COTP should maintain a listing of vessels in the anchorage grounds in the COTP zone. This can be facilitated by agreements with local pilots' associations and maritime exchanges. COTP's should check vessels present in an anchorage ground to ensure that they meet the criteria for that anchorage ground under 33 CFR 110. VTS where established should be considered to assist the COTP in anchorage administration.
 - a. Enforcement Patrols. To allow a close inspection of anchored vessels, boat patrols of the anchorage grounds are preferable. This is one function of the harbor patrol as outlined in subparagraph 1.B.3.d above. Boat crews should be thoroughly familiar with the regulations covering each anchorage ground they are to patrol. Supervisory personnel should be proficient in piloting and navigation to the extent that if a discrepancy is believed to exist, a positive position fix of the vessel or vessels involved can be obtained and witnessed in the event violations are detected.
 - b. Enforcement Records. A record of each vessel using the anchorage ground is of great help in controlling anchorage and enforcing anchorage regulations. These records are not required, but they are strongly encouraged in high traffic density ports where the majority of users are not local vessels. The following items are noteworthy:
 - (1) Date-time group of vessel arrivals;
 - (2) Vessel name and home port;
 - (3) Vessel flag;
 - (4) Length and draft;

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- 1.D.3.b. (5) Load line observed;
- (6) Estimated time of departure;
- (7) Any special operations, such as lightering, along with the times begun and ended; and
- (8) Any vessel limitations as to manning or maneuverability.

These records are generally for local use only, and are destroyed when the vessel departs the anchorage, unless a violation has been noted.

- c. Other Considerations. In establishing an anchorage, the Coast Guard does not guarantee that the anchorage is clear of sunken, uncharted obstructions. Accordingly, Coast Guard personnel should not make representations about the depth of an anchorage. Nevertheless, before a COTP directs a vessel to go to a particular location in an anchorage, the COTP should be satisfied that the particular location is safe for that vessel. Directives to anchor in a specific location should be avoided whenever possible.

E. Control Of Vessel Movements.

1. Introduction.

- a. Relevant Acts. This part outlines procedures to be used by the COTP in fulfilling responsibilities under the Magnuson Act (50 U.S.C. 191), and the PWSA (33 U.S.C. 1221-1232), regarding the movement of any vessel in U.S. waters within the COTP's area of jurisdiction. Since the greatest threats to the safety of the port usually occur with the transport of hazardous materials, the COTP should generally concentrate efforts on that phase of waterborne traffic. However, the COTP is equally responsible for enforcement of anchorage and navigation laws which extend beyond the commercial community. Consequently, COTP boarding teams must be alert to all violations of maritime laws and regulations.
- b. 33 CFR 6. Regulations in 33 CFR 6 provide for the protection and security of vessels, harbors, and waterfront facilities. Under 33 CFR 6.04-1 and 6.04-8, the COTP is authorized to control the movement of vessels, within the COTP zone, whenever such action is necessary to prevent damage or injury to a vessel, waterfront facility, or waters of the U.S., or to secure the rights and obligations of the U.S.
- c. 33 U.S.C. 1223; 33 CFR 160.101-.115. These authorities provide that vessel traffic controls may be imposed in areas determined to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by the following:
- (1) Specifying times of entry, movement, or departure;
- (2) Establishing vessel traffic routing schemes;

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- 1.E.1.c. (3) Establishing vessel size, speed, and draft limitations, and vessel operating conditions; and
- (4) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities considered necessary for safe operation.
2. Considerations In Exercising PWSA Authority. The PWSA serves an important dual purpose. It bolsters Coast Guard authority and capability to handle current problems in marine safety and environmental protection; it also provides the permanent statutory basis for the Coast Guard's port safety activities. The purpose of the statute is to prevent damage to, or the destruction or loss of, any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from damage to the vessel or shore structures.
- a. Controls. Regulations in 33 CFR 160.101-160.115 were developed to implement portions of the PWSA by delegating to district commanders and COTP's authority to handle emergency or temporary situations. Effectively, the Commandant has delegated to COTP's and district commanders the authority to temporarily control a vessel in hazardous areas or during hazardous circumstances, and to direct the movement of a vessel when necessary to prevent damage to or by that vessel. The general thrust of 33 CFR 160.101-160.115 is to allow for field level controls that, if not applied when necessary, would result in an unacceptable hazard to property or the environment. [NOTE: These controls do not include establishment of safety zone regulations under the PWSA. The use of safety zone regulations to handle emergency situations is discussed in subparagraph 1.I.2 below.] Orders issued under 33 CFR 160.111 may not be issued by persons other than the COTP or district commander. Generally, the district commander will exercise authority for the purpose of coordinating promulgation of an order that may affect more than one COTP within the district or when, due to the absence of the COTP, the district commander assumes the duties of the COTP. See volume I of this manual for clarification of the authority of the alternate COTP. [NOTE: The authority under the PWSA does not apply to vessels on the St. Lawrence Seaway.]
- b. COTP Orders. COTP Orders (33 CFR 160.111) are directed at individual vessels, and address short-term hazards. The Orders can be enforced only against persons who have actual notice of their contents. The Orders must be specific with respect to the actions expected of the person to whom the Order is directed. See COMDTINST M16704.2 Series for more information on the difference between safety zones and COTP Orders.

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1.E.2. c. Guidelines.

- (1) Public Impact. Consideration must be given to the impact that specific courses of action are likely to have on safety, the environment, the economy, and public/industry relations. Enforcement officials must be thoroughly familiar with the provisions of the regulations and must receive additional instructions and guidance when considered necessary.
- (2) Applicability. It is stressed that the vessel controls in 33 CFR 160.101-160.115 apply only to emergency and temporary situations.
- (3) Relevant Factors. Relevant factors must be evaluated in considering the need for and the degree of controls of individual vessel movements. Where a VTS has been established, vessel controls shall be coordinated through this service. Major factors for both the transit route and the port area proper include, but are not limited to the following:
 - (a) Public activity in the area of the hazard;
 - (b) Conditions of weather, visibility, tide, current, high water, low water, etc.;
 - (c) Vessel control/maneuverability;
 - (d) Any impairment of vessel or cargo that may affect the safe transit of the vessel;
 - (e) The nature of the vessel's cargo and cargo characteristics;
 - (f) Vessel conditions (draft, fire, flooding, navigational equipment status, etc.);
 - (g) Channel conditions (physical limits, status of bridges and aids to navigation, traffic density, etc.);
 - (h) Anchorage areas and conditions of anchorage;
 - (i) The COTP's personal knowledge of the area;
 - (j) Recommendations of local experienced personnel (pilots, port authority, etc.); and
 - (k) Channel data hydrographic features available from the USACE.
- (4) Planning. Contingency plans should be developed for the control of vessel movements. District commanders will ensure that district operations center (OPCEN) procedures exist to provide COTP's with current weather forecasts as well as information concerning any occurrences which may affect their area of responsibility.

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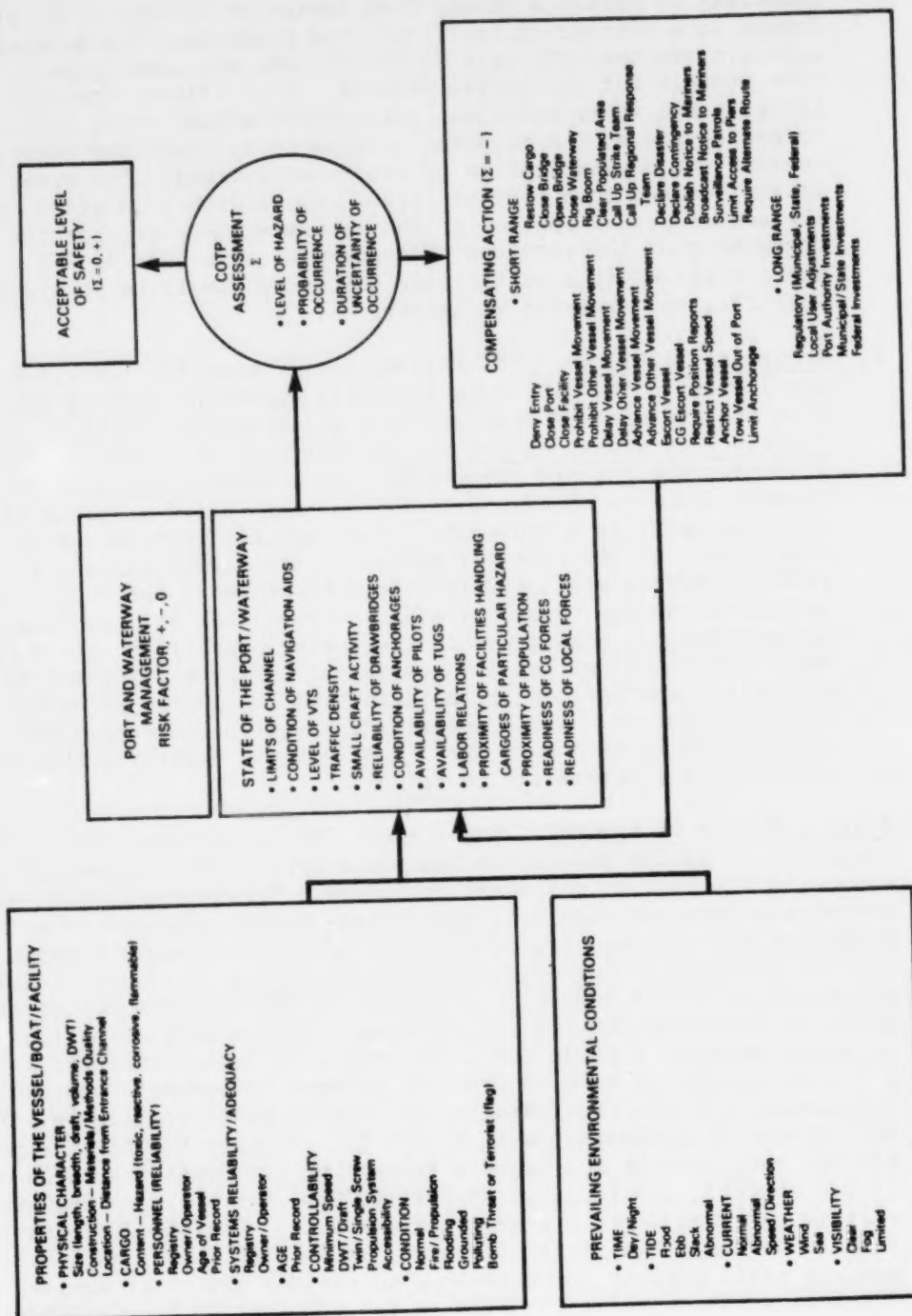
1.E.3. Direct Control.

- a. Introduction. Under authority of Executive Order (E.O.) 10173, as amended, the Coast Guard may supervise or control the movement of any vessel within navigable waters of the U.S. when such action is necessary to secure a vessel from damage or injury, or to prevent damage to a waterfront facility. The Commandant has delegated this authority to the COTP (see 33 CFR 6), who may promulgate orders to move vessels for preventive reasons. Such orders, coordinated with industry and their agencies, may control movements in heavily congested areas, the movement of especially dangerous cargoes, or the movement of a vessel afire or otherwise damaged. For example, to prevent damage to a pier or vessel, where either is afire, the COTP may assume actual control of the vessel and may arrange for the engagement of the services of commercial tugs (see 33 CFR 6.04-8). Appropriate advance contracting authority should be obtained by the COTP from the district commander.
 - b. Incurring Liability. The Federal Tort Claims Act (28 U.S.C. 2671 et seq.) exempts the U.S. from liability where the loss or damage flows from the exercise of discretionary governmental function. (See Dalehite, et al. v. United States, 346 U.S. 15 (1953).) For example, if conditions require the movement of a vessel, the loss of time or damage caused in obedience to the movement order normally will not be made the basis of a successful claim against the government. On the other hand, if the owner or master of the vessel refuses to comply with the order, and the COTP undertakes to move the vessel to the new location, and the vessel or other property, or the environment is damaged through negligence in the towing operations, there may be a basis for claim against the government. Figure 1-2 presents a systematic analysis of the need for and the degree of vessel traffic control required. While modification will be necessary for application to each port area, the logical, orderly method of analyzing the parameters is universal.
4. Advance Notice Of Arrival. Requirement for the advance notice of arrival contained in 33 CFR 160 is the basis for Coast Guard management of vessel movements within U.S. ports and waterways. The owner, master, agent, or person-in-charge of each U.S. and foreign vessel of 1,600 or more GT on a voyage of 24 hours or more is required to give a 24-hour advance notice of arrival to the COTP for every U.S. port or place of arrival (exceptions are noted in 33 CFR 160.201). Although 33 CFR 160 does not specify the means of communication, it is preferred that the advance notice be given by radio message, a phone call, or letter. Advance notice of arrival given in accordance with 33 CFR 160, Subpart C does not constitute compliance with the requirements for vessels participating in a VTS system established in accordance with 33 CFR 161, Subpart B. Advance notice of arrival requirements for vessels transiting the Great Lakes, as defined in 33 CFR 160.203, are found in 33 CFR 160.209; for arriving and departing vessels carrying certain dangerous cargoes, 33 CFR 160.203; and for vessels having a hazardous condition, as defined in 33 CFR 160.215. The maximum civil penalty for violating an advance notice of arrival regulation issued under the PWSA is \$25,000 (see 33 U.S.C. 1232).

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FIGURE 1-2

GUIDE TO THE SYSTEMATIC ANALYSIS OF THE NEED FOR AND THE DEGREE OF VESSEL TRAFFIC CONTROL REQUIRED



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- 1.E.4. a. Advice To Industry On Advance Notice Requirements. The COTP shall advise agents, shipping associations and companies, and other commercial agencies concerned with vessel operations that advance notice of arrival from vessels on a voyage of 24 hours or more and destined for U.S. ports is required under 33 CFR 160, Subpart C. Industry personnel should be advised that any vessel which arrives without having complied with this requirement may be subjected to boarding, search, and penalty action as necessary for enforcement purposes. The authority for 33 CFR 161 is 33 U.S.C. 1223(a)(5).
- b. Advance Notice And The MSIS. The advance notice requirements also serve as part of the MSIS. Using the compiled 24-hour advance notice of arrival data, a COTP is able to request violation histories and data on boardings and inspections of particular vessels. This information enables the COTP to better direct boarding teams to those vessels having histories of unsafe operation (see volume I of this manual for further discussion of MSIS).
5. Sources Of Information. Vessels are required to notify the COTP 24 hours before entering port, and harbor patrols will identify a vessel's location within the port at the time of the patrol. Following is a list of possible sources of information for determining the precise location of a specific vessel at other times:
- a. Shipping agents;
 - b. Pilot associations;
 - c. Shipping associations and companies;
 - d. Marine terminal operators;
 - e. Local shippers and consignees;
 - f. U.S. Customs Service;
 - g. The Immigration and Naturalization Service (INS);
 - h. Towing (tugboat) companies;
 - i. Harbor masters; and
 - j. Any other government agency, company, or person able to furnish information in this regard.

Arrangements should be made for the pilot who goes aboard a merchant vessel to confirm its identity and to notify the COTP of the existence of any unsafe or suspicious circumstances. In most cases, pilots are well acquainted with vessels which visit the port regularly and can recognize an unsafe or suspicious vessel.

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1.E.6. Receipt Of Notice By Other Units. Other Coast Guard units, such as SAR stations or group offices, may receive advance notice of arrivals, vessel safety information, or requests by vessels for permission to enter ports. Any such communications must be forwarded as soon as possible to the COTP. A radio communications system and vessel movement watch shall be maintained during normal working hours at each COTP office, to receive and record vessel movement data from sources in and out of the Coast Guard. The time and source of every notice of arrival shall be logged.

7. Vessel Tracking. The COTP should know which vessels operate in the port area, when they are in port, and where they are located. From collected vessel movement information, a daily list of anticipated arrivals of vessels should be prepared and distributed to all harbor and shoreside patrols and VTS where established, as well as those boarding officers on specific assignments; MSIS may be used to generate such lists. These personnel should compare the vessels in port with the list of anticipated arrivals. One purpose of harbor patrols is to advise the COTP of the presence and location of vessels within the harbor area. Whether at anchorage or berth, patrol members, both waterside and shoreside, should also attempt to verify the identity of each vessel. The COTP should establish procedures for coordinating this information and verifying it against the list of anticipated arrivals. For ready reference, a vessel movement status board should be maintained by the vessel movement watch. One particularly effective means of tracking the vessel locations listed on the board is "grid coding" for direct referral to a large-scale chart of the port area or sections thereof.

F. Layup Of Commercial Vessels.

1. Introduction. In early 1975, the Coast Guard began receiving inquiries regarding the layup of foreign tank vessels in U.S. waters. These inquiries ranged from Maine to California and concerned vessels from 28,000 to 250,000 deadweight tons (DWT). Due to a surplus of tank vessels in the international market, it was anticipated that the owners and operators of foreign tank vessels would seek to take advantage of the superior anchorage areas available in U.S. waters. Under 33 U.S.C. 471, 33 U.S.C. 1221, and 50 U.S.C. 191, the Coast Guard has certain responsibilities regarding the anchorage and movement of vessels, the protection of vessels, bridges, or other structures on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters, and the protection of navigable waters and their resources from environmental harm resulting from vessel or structure damage, destruction or loss.
2. Criteria For Layups. The following guidelines should be used in dealing with a layup proposal. These will ensure that the layup will be safe and environmentally sound, and that it does not unduly obstruct or restrict navigable waters. The layup proposal should consider the following items:
 - a. The specific location (anchorage, berth) of the layup(s) and its proposed duration.

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- 1.F.2. b. Assurance that cargo tanks, adjacent cofferdams, ballast tanks, pumprooms, cargo piping systems, and cargo venting arrangements are thoroughly clean and gas-free, and will be maintained in this condition (gas-free certification shall be made by a qualified marine chemist).
- c. In addition to the evidence of financial responsibility required by the FWPCA, suitable liability insurance for each vessel must be shown.
- d. Specifications prepared by a qualified marine surveyor as to size and scope of chain, number and size of anchors to be used, according to freeboard, depth of water, type of bottom, and extreme climatic, tidal and current conditions in the area. In areas of doubtful holding ground, a statement of a geologist based on test borings may be required. Safe under keel clearance must be ensured at extreme low tides.
- e. If a laid-up vessel is to be moored to a waterfront facility, that facility and all shoreside mooring fittings, and the number, size, arrangement, and condition of mooring lines, shall be certified by a qualified marine surveyor as safe and capable of holding the vessel secure, taking into account the vessel's freeboard and draft, and extreme climatic, tidal, and current conditions in the area.
- f. Contingency plans for heavy weather, firefighting, use of tug boats, and emergency evacuation of crewmembers.
- g. Assurance of compliance with sewage and garbage disposal plans.
- h. Plans for safe fendering.
- i. Standard and emergency communications plans between shore and the shipkeeping crew.
- j. Possession of current "deratting" certificate.
- k. Qualifications of the shipkeeping crew. If no live aboard crew is planned, the applicant must show that periodic visits by competent persons are adequate to assure safety and compliance with U.S. laws.
- l. Assurance that prescribed navigation lights and shapes will be displayed.
- m. A statement that the applicant will notify the COTP of a change in registry or ownership of the laid-up vessel.

The COTP may approve foreign vessel layup proposals. Should there be local objections to the layup of a vessel in a certain area, the COTP must take this into consideration. If deemed advisable, the COTP may hold a public hearing to allow all sides of the issue to be aired.

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1.G. Regattas And Marine Parades. The authority to issue regulations to promote the safety of life on navigable waters during regattas and marine parades is contained in 33 U.S.C. 1233-1236. It was assigned to the Commandant under Reorganization Plan No. 3, effective 16 July 1946. Regulations addressing regattas and marine parades were promulgated in 33 CFR 100 to provide an adequate level of safety for the boating public and the marine industry. Events of major importance should be scheduled well in advance. Early conferences should be held to permit public hearings and extensive notice to commercial interests regarding special local regulations. Other federal, state, or civil agencies should be kept informed of developments that might affect their plans or impinge upon their authority.

1. Authority Of The District Commander. Under 33 CFR 100, the district commander may promulgate special local regulations for a regatta or marine parade, and may establish and maintain aids to navigation necessary for the observance and enforcement of those special local regulations. Guidance on establishing special local regulations is found in COMDTINST M16704.2B. The district commander may detail Coast Guard vessels to patrol the course of a regatta or marine parade for the purpose of enforcing special local regulations, providing assistance and enforcing laws in general. Coast Guard Auxiliary and private vessels may be employed subject to the restrictions imposed in 33 CFR 100.40. Because of the number of marine events held annually and resource limitations, the use of Coast Guard vessels is limited to those events which may be expected to introduce extra or unusual hazards, or to impede the normal flow of marine traffic.

a. Concurrent Jurisdiction. Where concurrent federal/state jurisdiction exists, the district commander is authorized under 33 CFR 100.10 to enter into agreements with state authorities to permit them to regulate certain events when it is clearly within the capabilities of the state to do so. Such agreements are in keeping with the Commandant's policy of encouraging the states to assume a greater role in boating safety, and are encouraged.

b. Establishment Of Temporary Aids To Navigation. The district commander may establish temporary aids to navigation and authorize private aids to navigation to mark marine parades or regattas (see 33 CFR 100.45). Such markers are not considered "aids to navigation" for the Coast Guard's purposes, as long as the following conditions are met:

- (1) They are established for a marine event of a specified and limited duration authorized by the Coast Guard and not for general navigational use;
- (2) They are established to mark turning points, a slalom course, or other lanes of restriction to participants; and
- (3) They do not display the characteristics prescribed for the lateral or Intracoastal Waterway (ICW) marker systems.

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- 1.G.2. Responsibility For The Event. The sponsoring organization is responsible for the safe conduct of the event and adequate preparations, such as obtaining Coast Guard approval, establishing instructions to and qualifications of participants, making safety equipment inspections, placing rescue and first aid facilities, controlling activities, and removing obstructions and navigational hazards as applicable to the event.

3. Applications.

a. General. Annual notices may be sent to all boat clubs and yacht associations outlining circumstances when applications are required by the Coast Guard. Figure 1-3 is an example of such a notice. Applications must be submitted to the district commander no less than 30 days prior to the proposed event. The application must provide sufficient data to determine that the event has been organized and planned adequately. The data in the application also provides the basis for issuing a local Notice to Mariners; checking for military exercises and other previously scheduled marine events; establishing a regatta patrol; stipulating conditions for approval; and promulgating special local regulations. To assist in determining the environmental impact of the event, see COMDTINST M16475.1 Series. Form CG-4423, Application for Approval of Marine Event, should be used by the sponsors of a regatta or marine parade.

b. State Notice Required. When state authorities require notification concerning or approval of marine events, streamlined routing procedures should be developed to minimize paperwork and delays. When applications are returned to the sponsor because they are not required by federal regulations, it should be clearly stated that Coast Guard approval is not required. Direct referral by the sponsor to state authorities should be encouraged when required.

4. Review Of Event Applications.

a. General. The district commander may act on applications as follows:

- (1) Approve them;
- (2) Disapprove them;
- (3) Return them without action as not required;
- (4) Return them for additional information or changes; or
- (5) Forward them to state authority for action.

An approval does not imply endorsement of the activity, guarantee that it will be accident free, or make the Coast Guard responsible for the safety of participants. These factors should be clearly stated on the Form CG-4424, Permit for Marine Event, which is issued to the sponsor of an event to indicate approval.

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FIGURE 1-3

SAMPLE LETTER TO SPONSORS OF MARINE EVENTS

Gentlemen:

If you plan to sponsor a marine event, Title 33, Code of Federal Regulations, Part 100 requires you to submit an application to the Coast Guard in cases where the nature, circumstances, or location of the event will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States. Examples of such conditions include, but are not limited to, an inherently hazardous competition to the customary presence of commercial or pleasure craft in the area, an obstruction of navigable channels, or any expected large accumulation of spectator craft.

If you sponsor an event which does not present such a hazard, no federal approval is required. However, you should check further with your local and state governments for their requirements. If you are in doubt as to whether Coast Guard approval is required, you may inquire informally or submit an application for review. Application forms are available from the address above.

Often, a great deal of information is required. Fully completed, the application form will enable me to act with a minimum of further communication and time. Please observe the instructions on the form carefully. Your application must be received by the Coast Guard at least 30 days prior to the event so that it may be reviewed and the necessary provisions made to serve you and other members of the boating public. Late applications must be disapproved, so please observe the deadline. If you seek approval of a calendar of events, a conference is suggested. You should be prepared to furnish the information for each event.

You should understand that the sponsor is responsible for the safe conduct of such an event. This includes instructions to, qualification of, and positive control over participants, as well as protective measures for the spectator fleet and the general boating public. Measures to prevent interference with the normal flow of commercial and recreational traffic are also required unless special local regulations are issued by me for this purpose.

It is my desire to give you the best possible service. With your cooperation, the Coast Guard can better serve you.

Sincerely,

Commander,
Sixth Coast Guard District

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1.G.4. b. Disapprovals. When an application is disapproved, the district commander shall indicate the reason(s) for disapproval. These may include the following:

- (1) Unnecessary obstruction of commercial traffic by blocking a channel or harbor entrance;
- (2) Hazards to small craft due to presence of large ships, tows, etc.;
- (3) Conflicting activities in the area, such as another marine event, range firing, military maneuvers, or dredging;
- (4) Inadequate provisions or safety measures which are prudent for the nature of the event;
- (5) High-risk factors which could render the event foolhardy (in the opinion of the district commander);
- (6) Previous experience with the sponsoring organization that demonstrated irresponsibility, gross violations of the terms of approval, ineffective control of the event, or evidence of inadequate corrective measures; or
- (7) Late submittal of the application.

5. Regatta Patrols. Regatta patrols are intended to control spectator and transient craft for their protection, eliminate safety hazards in the event area, and enforce special local regulations. The primary responsibility to protect participants and spectators from the hazards of the event (including other participants) rests with the regatta sponsor. If the COTP determines Coast Guard patrols are necessary, the patrol commanders may be commissioned, warrant, or petty officers on active duty, designated for the event by the district commander or the district commander's representative. They must be aware of their responsibilities and authority. They must be provided with details of the event, including the name of the event chairman, and means of effective communications during the event. Coast Guard vessels and Auxiliary facilities may be used to patrol events, including embarking of the patrol commander. All vessels on regatta patrol under orders shall display proper identification. Coast Guard vessels and Auxiliary facilities should use the standard signs shown in Figure 1-4. Instructions for the use of Auxiliarists on regatta patrols are found in the Auxiliary Manual, COMDTINST M16790.1A. When an event is patrolled exclusively by Auxiliarists, a facility commander shall be in charge of the patrol.

H. Permits Issued By The COTP. The COTP has the authority to permit or prohibit a variety of activities in and around the port. Among these are unsafe vessel movements; transfers of dangerous cargoes, including explosives; the operation of designated waterfront facilities which do not meet their regulatory requirements; and the operation of vessels not in compliance with the navigation safety requirements in 33 CFR 164. Permit applications should be reviewed for compliance with applicable environmental requirements, including

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FIGURE 1-4

AUTHORIZED REGATTA PATROL SIGNS AND SIGNALS

1. Signs for Identification of Vessels on Patrol Duty.
a. Coast Guard Cutter:



FSN: CG9905-G00-2316

- b. Auxiliary Facility under Orders:



FSN: CG9905-G00-2317

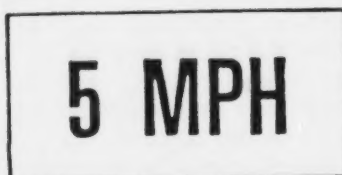
2. Signals to Control Movement of Vessels in Regatta Area
a. Sign one

Side 1

FSN: CG9905-G00-2318



Side 2

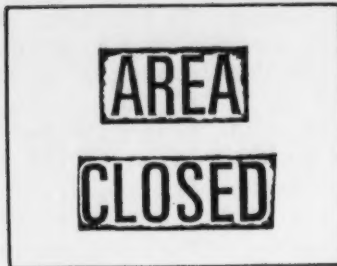


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FIGURE 1-4 (cont'd)

FSN: CG9905-G00-2319

- b. Sign two:
Side 1:



- Side 2:



3. Design and Display Specifications:

a. Identification signs - These are to be constructed with solid black block letters on international red-orange background 9" by 48". Small letters are 2 inches in height; large letters 4 inches in height. Each patrol vessel displays one sign visible from each beam, mounted forward, amidships, or aft, at the rail or on cabin top, as most convenient and conspicuous.

b. Control signals - These are constructed with solid black block letters on yellow background 12" by 30". Small letters are 4 inches in height, and large letters 6 inches. Signs are of lightweight construction, fitted with handholds, with different instructions on reverse side. They are hand held for display at close range to boat being directed by the patrol craft. They are displayed only as needed.

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1.H. (cont'd) the National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4370) and the Central Zone Management Act (16 U.S.C. 1451-1464). Consultation with state and local officials is required by E.O. 12372.

1. General Permit To Operate Designated Waterfront Facilities. Regulations covering the handling, storing, and transporting of dangerous cargoes at waterfront facilities are found in 33 CFR 126. A "general permit" to carry on these activities is issued by regulation. The general permit is not a document or form in the usual sense of a permit. Rather, it is general permission, granted in 33 CFR 126.27, to operate a designated waterfront facility when the conditions detailed in 33 CFR 126.15 exist at the facility. The COTP is authorized in 33 CFR 126.31 to suspend that general permit "whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires." The suspension must be in writing. The general permit may be revived by either the COTP or district commander upon a finding that the cause of termination no longer exists.
2. Handling Of Designated Dangerous Cargoes. "Designated Dangerous Cargo" is defined in 33 CFR 126.09 as commercial or military Class A explosives. 33 CFR 126.17 requires that these commodities may be handled only at a designated waterfront facility and only if a permit has been issued by the COTP, with certain exceptions. The exceptions include military explosives shipped by or for the Armed Forces of the United States and handled at a Department of Defense (DOD) owned or operated facility. 49 CFR 176.415 imposes a similar requirement on packaged blasting agents, ammonium nitrates, and certain ammonium nitrate mixtures, although these commodities are not "designated dangerous cargo." In issuing permits, the COTP should consider population density, property use, topography, quantity-distance tables, mission objectives, and alternatives. It is emphasized that no single standard is either absolute or appropriate for all situations. Each permit application must be evaluated in light of its unique characteristics. A determination should be made as to what constitutes an acceptable risk to public safety. The publications in subparagraph 1.H.2.c below provide guidelines and assistance in determining separation distances, and shall not be considered the sole source of authority for granting permits or establishing limitations.
 - a. Permit Required. Application and Permit to Handle Hazardous Materials, Form CG-4260, shall be used to satisfy the permit requirements of 33 CFR 126.17 and 49 CFR 176.415. One Form CG-4260 may be used to cover the same transaction for both the facility and the vessel; however, a separate permit is required for each transaction. The application and permit may also be utilized when the COTP exercises the authority found in 33 CFR 126.29. Some ports will also have "prepositioned permits" on file. These are CG-4260's which are for use by the Military Traffic Management Command (MTMC) of the U.S. Army, or the Military Sealift Command (MSC) of the U.S. Navy during mobilization or a national emergency. They will cover outloads of military supply items at MTMC or MSC-utilized terminals.

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- 1.H.2. b. Separation Distances. The COTP should specify on the permit the separation distance from the point where the explosives/ammunition are to be handled to inhabited buildings, public highway routes, or sensitive areas, such as oil tanks. The separation distance is based on the net explosive weight (NEW). It is the responsibility of the applicant to provide NEW data, along with the proper shipping name, hazard class, Department of Transportation (DOT) class, and other pertinent information, as appropriate. If the specified separation distance cannot be imposed at a given location for the NEW in the application, the COTP should consider:

- (1) Denying the application;
- (2) Limiting the quantity of cargo to be handled at that location to bring the proposed transfer within the separation distance guidelines; or
- (3) Placing use restrictions on exposed sites, such as rerouting public traffic routes and removing possible hazard sources while the port is used for explosives loading, unloading, or holding operations.

Additionally, restrictive easements may be considered necessary for that portion of the quantity-distance safety arc that extends into other commercial property to preclude construction of buildings and facilities in those areas.

- c. Publications. The following publications are available to assist in determining separation distances, and expertise is also available to perform Port Ammunitions Surveys from DOD's Explosive Safety Board.

- (1) DOD Ammunition and Explosives Safety Standards (DOD 6055.9-STD), July 1984, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402;
- (2) Institute of Makers of Explosives Safety Library Publication No. 2, "The American Table of Distances"; and
- (3) National Fire Code Volume 4, Explosive Materials.

3. Alternative Stowage Procedures. Under 49 CFR 176.65 the COTP may authorize alternate stowage locations, methods of handling, or stowage of packaged hazardous materials, under certain conditions. When the COTP authorizes such alternatives, the following procedures are to be followed:

- a. The authorization shall be in writing, signed by the COTP;
- b. The original of the authorizations shall be retained on board the vessel with the Dangerous Cargo Manifest, as long as the authorization remains in effect; and

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1.H.3. c. The COTP shall make an entry in the MSIS indicating the existence and term of the authorization.

4. Deviations From Requirements Of 33 CFR 164. Although such a deviation is not a permit per se, the COTP may authorize a deviation or, in emergencies, must be notified of any situation in which a vessel 1,600 GT or over is not in compliance with the requirements in 33 CFR 164.

a. Emergency Conditions. 33 CFR 164.51 states that, except for the requirements of 33 CFR 164.53(b), in an emergency, any person may deviate from any rule in 33 CFR 164 to the extent necessary to avoid endangering persons, property, or the environment. The significance of this rule is that in such a situation, the person responsible is not subject to sanctions for deviating from certain of the rules. The burden is generally on the person deviating from the rules to show the existence of the emergency.

b. Reporting Non-Operating Equipment.

(1) 33 CFR 164.53(a) allows a vessel to continue to the next port of call, subject to the directions of the district commander or COTP, as provided in 33 CFR 160.

(2) 33 CFR 164.53(b) requires the reporting of failures of equipment critical to the safe navigation of the vessel "as soon as possible." The COTP or district commander to whom the report has been made must determine if additional requirements should be imposed, in accordance with 33 CFR 160, to ensure the safe transit of the vessel. Such additional requirements might include daylight navigation only, tug escorts, or a safety zone.

5. Hot-Work Permits.

a. Introduction. COTP approval is required before hot-work may be performed on vessels or designated waterfront facilities under the following circumstances:

(1) On designated waterfront facilities or vessels moored thereto during the handling, storing, stowing, loading, discharging, or transporting of dangerous cargoes (see 33 CFR 126.15(c));

(2) On vessels having military explosives on board as cargo (see 46 CFR 146.02-20); and

(3) On vessels having explosives or other hazardous materials on board as cargo (see 49 CFR 176.54).

The COTP shall use the Welding and Hot-Work Permit, Form CG-4201, to approve hot-work. Approvals shall be issued to the facility person in charge or the vessel's master or chief mate, not to the contractor who will be performing the work. It is the responsibility of the permittee to ensure that the requirements on the permit are complied

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1.H.5. a. (cont'd) with by contracted workers. The permittee must ensure that other federal, state, and local regulations are complied with, such as the requirements in 46 CFR 30.01-10 and 35.01-1 for inspections and testing aboard tank vessels before repairs or alterations may be made. Holding a Coast Guard hot-work permit does not constitute final authority to conduct hot-work; the vessel or facility must also comply with other applicable laws and regulations.

b. Extent And Duration Of Permits.

(1) A facility permit may be issued for a single operation or for a continuing period of time, at the discretion of the COTP. For a continuing permit, the COTP shall require notice from the permittee whenever hot-work is scheduled, including start time and duration of the operation, and proximity of dangerous cargoes to the site of the operation.

(2) A vessel permit may be issued for a single operation only, for a period not greater than 30 days.

c. Hot-Work At Coal And Grain Facilities And Shipyards. Shipyards and coal and grain facilities generally do not handle or store (or have vessels loading or discharging) explosives, flammable or combustible liquids in bulk, or other dangerous articles or cargo as defined in 33 CFR 126.05. They are thus not generally designated "waterfront facilities" under 33 CFR 126. Any facility that does engage in such activity shall be treated as a designated waterfront facility when such activities occur. Even when dangerous cargoes are not present, the COTP may issue a COTP Order controlling the hot-work on a vessel at the facility under 33 CFR 160, when conditions for issuing such an order exist. The provisions of 46 CFR 35.01-1 and 49 CFR 176.54 apply to hot-work on board certain vessels at waterfront facilities. Under these regulations, permits are issued to the vessel, not the facility.

6. Anchorage Permits. Individual anchorage regulations issued in accordance with 33 CFR 110 may specify the maximum duration a vessel is allowed to remain in an anchorage. These regulations may also specify when and under what conditions the COTP may issue an extended anchorage permit. Before issuing such a permit, the COTP should consider congestion and traffic conditions to avoid dangerous situations for vessels transiting the vicinity. Requests for extended anchorage permits must be considered on the merits of each particular case. (See section 1.D above for additional information concerning anchorages.)

I. Limited Access Areas. The Coast Guard may, when security or other national interests dictate, control access to and movement within certain areas under its jurisdiction. For further information, see volume VIII (CONFIDENTIAL) of this manual. The Coast Guard also has the authority to implement several control mechanisms in navigable waters of the U.S. and adjacent shore areas under the PWSA (33 U.S.C. 1221 et seq.) and the Anchorage Grounds Act (33 U.S.C. 471). Certain offshore controls may be established under the OCSLA (43 U.S.C. 1331 et seq.) and the DPA (33 U.S.C. 1501 et seq.). The controls may

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1.I. (cont'd) apply in varying degrees to persons, vehicles, vessels, and objects within these areas. The intent of this part is to discuss the purpose, major features, and application of each type of limited access area. The establishment of these areas involves public rulemaking and notice. Guidance on preparing limited access area regulations is found in COMDTINST M16704.2 Series.

1. Traffic Management. After a thorough consideration of the transit route and the port area, the following modes of traffic management should be considered:

- a. Establishing vessel traffic routing schemes;
- b. Establishing vessel size, speed, and draft limitations;
- c. Restricting traffic movement to those vessels with operating conditions or characteristics considered necessary in the particular area of hazard or under other specific conditions;
- d. Requiring vessels to be assisted by tugboats;
- e. Restricting traffic to one direction; and
- f. Restricting traffic to certain times.

2. Safety Zones.

a. Introduction. Safety zones may be established by the district commander or COTP in ports and waterways, under the PWSA and 33 CFR 165, for the protection of vessels, structures, waterways, and shore areas. They are established for general safety and environmental protection purposes. In a safety zone, access is limited to persons, vehicles, vessels or objects authorized by the COTP. It may be described by fixed limits, or it may be a zone around a vessel in motion (see 33 CFR 165.20). For example, a safety zone may be established as follows:

- (1) Around a damaged or burning vessel, to facilitate access for fire or rescue units and to protect uninvolved persons and vessels;
- (2) To ensure safe transit of a vessel carrying CPH;
- (3) To limit vessel access to an area in which spill removal operations are underway;
- (4) For a long period of time, to safeguard a vessel grounded or sunk in or near a navigable channel, or to keep vessels off an uncharted shoal before marking or dredging; or
- (5) To limit access to shoreside areas suffering from explosions or fires.

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- 1.I.2. b. Purpose. Most safety zones are established in response to some emergency situation and are temporary in nature (as in the examples in subparagraph 1.I.2.a above). However, it may become necessary to establish safety zones for indefinite periods. For example, a permanent safety zone may be established around the water and shore area of a high-risk waterfront facility. Entry into a safety zone is prohibited unless authorized by the COTP or district commander. Each person in a safety zone is required to obey any lawful order of the COTP or district commander, or their representatives. Failure to do so may result in civil or criminal sanctions under 33 U.S.C. 1232.
- c. Establishment. All safety zones are established by regulation. Temporary safety zones issued in response to an unanticipated event are issued as Final Rules, effective immediately (when the need exists, safety zones of indefinite duration may also be issued in this manner). Whenever possible, the normal rulemaking process of notice and comment is followed for the establishment of both temporary and indefinite safety zones (see COMDTINST M16704.2 Series). Safety zone restrictions do not apply to an aircraft unless it is on the water. Control of airspace is the responsibility of the Federal Aviation Administration (FAA).
- d. Discretion Of The COTP. To promote safety and protect the environment, the COTP may limit access to, and control activities within the zone. Those vessels which are given permission to enter the area may be required to operate in a certain manner. For example, vessels may be required to operate at certain speeds or as directed by the patrol commander, to keep to the windward side of the vessel, etc. These are conditions under which a COTP permits access to the area. Nevertheless, the primary purpose of the zone is to limit access. Where a COTP primarily desires to control individual behavior, a more appropriate tool for this purpose is the establishment of an RNA (see subparagraph 1.E.3 below).
3. Regulated Navigation Areas (RNA's).
- a. Purpose. An RNA, established by the Commandant or a district commander under the authority of the PWSA and 33 CFR 165, is a water area that requires control of vessel operations to preserve the safety of the adjacent waterfront structures, to ensure safe transit of vessels, or to protect the marine environment. For example, an RNA may be established to provide for safety of navigation when conditions require higher standards of control than that provided by the Navigation Rules. In such a case, the rules for the RNA may be designed to permit permanent passive traffic management; vessels may be required to comply with specific criteria in order to gain access into or to transit the area. An RNA may also be established for other purposes. For example, an RNA could be used in an environmentally sensitive area to limit activities which would create an unusually high risk of harm (e.g., to prohibit oil transfer operations while the vessel is anchored).

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- 1.I.3. b. Distinctions. An RNA should be distinguished from a COTP Order issued under the authority of 33 CFR 160. The primary difference is that an RNA is established by regulation, whereas the order is not. An "order" is the appropriate means to control individual vessel movement when the hazard is an immediate one caused by an explosion, grounding, attempted blockade, or large oil spill. However, to be enforceable, actual knowledge of the order must be established. Where a hazardous condition exists that requires control of a number of vessels, the establishment of an RNA or safety zone is appropriate. RNA's are typically established when extensive vessel controls are needed over an extended period of time. Whenever possible, the normal rulemaking process of notice and comment is followed for the establishment of RNA's (see COMDTINST M16704.2 Series). However, temporary RNA's may also be established as immediate emergency measures to respond to emerging, unanticipated events. As in the case of a temporary safety zone, a temporary RNA may be made effective immediately (i.e., on the same date that the regulation is signed).
4. Temporary Flight Restrictions (TFR's). The FAA may issue TFR's as provided for in 14 CFR 91.91 of the FAA Regulations. The FAA may impose TFR's to prevent congestion of sightseeing aircraft over an event which may generate a high degree of public interest and/or provide a safe operation environment for disaster relief aircraft. Requests for TFR's should be made to the FAA Air Route Traffic Control Center (ARTCC) nearest the incident through the district operation center. The following information will be necessary when requesting a TFR:
- a. Name and organization of person recommending or requesting a TFR;
 - b. Brief description of the situation;
 - c. Estimated duration of restriction;
 - d. Name of agency responsible for on-scene emergency activities and telephone or other communications contact, including radio call sign and frequency of official in charge of on-scene emergency response activities;
 - e. A description of the affected area by reference to prominent geographical features depicted on aeronautical charts, if possible; otherwise, by geographical coordinates;
 - f. Description of material or activity posing a hazard to persons and property in the air;
 - g. Description of hazard that would be magnified, spread, or compounded by low flying aircraft or rotor wash;
 - h. Nature of airborne relief, proposed aircraft operations, and location of relief aircraft base; and

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- 1.I.4. i. Contact point or radio frequency for handling news media requests to operate at altitudes used by relief aircraft.

The coordinating ARTCC will cancel the TFR when the Coast Guard notifies the ARTCC that the restrictions are no longer required.

5. Limited Access Areas In The Offshore Environment.

a. Outer Continental Shelf (OCS) Safety Zones. Safety zones on the OCS are established by district commanders under the authority of the OCSLA, as amended, and 33 CFR 147. Such zones are limited to within 500 meters of artificial islands, installations, and other devices (including offshore drilling units) which are used for the purposes of OCS resource exploration and exploitation. Under 33 CFR 147, the district commander may control access to and actions within the zone, and failure to obey regulations may result in criminal penalty under 43 U.S.C. 1333 and 33 CFR 140.20-5, or civil penalty under 43 U.S.C. 1350. Civil penalties are assessed by the Minerals Management Service (MMS), pursuant to 30 CFR 250.80.

b. Deepwater Ports (DWP) Safety Zones. DWP safety zones are established by the Commandant under the authority of the DPA. DWP safety zones are intended to establish controlled access zones around DWP's (as defined in the act) in which activities specified in 33 CFR 150, Subpart C only may be conducted. The COTP is not authorized to establish DWP safety zones.

6. Means Of Notification. The Administrative Procedure Act provides that "except to the extent that the person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published" (see 5 U.S.C. 552(a)). Consequently, if the establishment of a limited access area has not been published in the Federal Register, a person is not bound to recognize it unless that person has actual notice. Because the emergency nature of many safety and security zones often precludes publication in the Federal Register before the zones go into effect, and because broader dissemination of the rule is often desirable, the district commander or COTP should use all means available to "spread the word." This includes making actual notice to the parties affected. Such notification normally includes physical boundaries of the zone, the reasons for the safety zone, estimated duration of the zone, and the method for obtaining authorization to enter such zone. This notification is not a substitute for Federal Register publication. Notice of limited access areas must be published in the Federal Register (see COMDTINST M16704.2 Series).

a. Ways To Provide Actual Notice.

- (1) Copies Of Signed Rulemaking Document. The rulemaking document may be reproduced and handed out as a leaflet. This technique is relatively easy, since the command must produce the document for Federal Register publication and the document includes all of the

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- 1.I.6.a. (1) (cont'd) necessary information. The leaflet should also include other information that might be of interest or value to the recipient (such as penalties, appeal procedures, enforcement agencies, etc.).
- (2) Notice To Mariners. Whether published or broadcast, Notice to Mariners is a means of getting information to such persons as tugboat operators, masters of inbound vessels, etc.
- (3) Newspapers/Radio/Television Releases. These are ways of reaching members of the maritime public not attainable through other methods (such as recreational boaters). The principal drawback is that the Coast Guard has no control over whether or not a release is published or broadcast, or how it is edited and delivered. Prior contact with local media members can be extremely helpful in this regard. (See volume I of this manual for guidance in public affairs.)
- (4) Unit Newsletter. The unit newsletter is a vehicle for widespread notice of regulations having local impact. The newsletter mailing list should cover all of the "interested parties" referred to in the PWSA.
- b. Notification To Federal Agencies. District commanders shall assure that other federal agencies interested in the closure of a waterway are among the parties notified of the establishment of a limited access area. Figure 1-5 provides a condensed information chart concerning limited access areas. [NOTE: For information on security zones, see volume VII (TO BE DEVELOPED).] The federal agencies listed in Figure 1-6 have indicated their interest in being notified of waterway closures. District commanders should also contact the local offices of these and other agencies to determine if notification is desired at the local level.
7. Additional Information. Questions and recommendations concerning limited access areas for security purposes, safety zones in ports and waterways, and OCSLA and DWP safety zones should be directed to Commandant (G-WPE). For other limited access areas, additional information and guidance may be obtained from Commandant (G-WWM). Guidance may also be obtained from Commandant (G-LRA).

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FIGURE 1-5

INFORMATION CHART FOR LIMITED ACCESS AREAS

<u>NAME</u>	<u>AUTHORITY/PENALTY</u>	<u>PURPOSE</u>	<u>UTILIZATION</u>
SAFETY ZONE	33 U.S.C. 1221 et seq. 33 CFR 160 33 CFR 165 CIVIL PENALTY: UP TO \$25,000 CRIMINAL PENALTIES: UP TO \$50,000 UP TO 5 YEARS	Protects vessels, structures, waters, and shore areas by establishing water and/or waterfront safety zones by limiting access to the zone, and by controlling activities within the zone. Safety zones are intended for situations beyond the scope of normal safety procedures, usually on a temporary and emergency basis.	Established by the COTP, district commander, or the Commandant. Used to control access or movement of persons, vehicles, vessels, and objects. Requires all persons within the zone to obey any lawful order or direction of the COTP or district commander. Emergency safety tool with civil and criminal enforcement penalties. Should be used instead of security zone for safety and environmental protection. More enforceable due to civil penalty provision.
SECURITY ZONE	50 U.S.C. 191 33 CFR 160 33 CFR 165 CRIMINAL PENALTIES: UP TO \$10,000 UP TO 10 YEARS	Prevents damage or injury to any vessel or waterfront facility; to safeguard ports, harbors, territories, or waters of the U.S.; or to secure the observance of the rights and obligations of the U.S.	Established by the COTP, district commander, or the Commandant. Used to control access or movement of persons, vessels, and objects. Requires all persons and vessels within the zone to obey any direction or order of the COTP. Allows the COTP to take possession and control of vessels and to remove any person, vessel, or thing. Criminal penalties only. Used for national interest situations rather than strictly safety considerations. Should be used only when safety zone is inapplicable.
RESTRICTED WATERFRONT AREA	50 U.S.C. 191 33 CFR 6; 33 CFR 125 CRIMINAL PENALTIES: UP TO \$10,000 UP TO 10 YEARS	Prevents access of persons, not in possession of Port Security Card or other valid security credential, from areas or vessels essential to national defense.	Established when area is involved with handling of Class A explosives. Establishment for other national defense purposes must be approved by the Commandant. Applies to persons.

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FIGURE 1-5 (cont'd)

<u>NAME</u>	<u>AUTHORITY/PENALTY</u>	<u>PURPOSE</u>	<u>UTILIZATION</u>
REGULATED NAVIGATION AREA	33 U.S.C. 1221 et seq. 33 CFR 165 CIVIL PENALTY: UP TO \$25,000 CRIMINAL PENALTIES: UP TO \$50,000 UP TO 5 YEARS	Provides for the safety of navigation when the condition of the waterway warrants a higher standard of safety than provided by Navigation Rules.	Established by the Commandant or district commander for permanent passive traffic management. May require specific operating criteria for entry into area. Applies to vessels. Active version would be a VTS. See 33 CFR 161.
SAFETY ZONE (OUTER CONTINENTAL SHELF)	43 U.S.C. 1333(e)(1) 33 CFR 147 CIVIL PENALTY: UP TO \$10,000 (ASSESSED BY MMS) CRIMINAL PENALTIES: UP TO \$100,000 UP TO 10 YEARS (See 33 CFR 140.20-5)	Promotes safety of life, property, and environment in area within 500 meters of artificial islands and fixed structures on the OCS by controlling access to and actions within the zone.	Established by the district commander, usually for permanent passive traffic management, but may be implemented for emergency situations. Applies to vessels, persons, and activities.
SAFETY ZONE (DEEPWATER PORT)	33 U.S.C. 1501 et seq. 33 CFR 150 CIVIL PENALTY: UP TO \$25,000 CRIMINAL PENALTIES: UP TO \$25,000 UP TO 1 YEAR	Protects vessels, structures, and the environment by limiting or prohibiting access to the deepwater port safety zone and by controlling activities within the zone.	Established by the Commandant for permanent active traffic management. Requests for any vessel activity not provided for by regulation must be approved by the COTP.

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FIGURE 1-6

NOTIFICATION TO FEDERAL AGENCIES OF WATERWAY CLOSURES

1. All Waterway Closures. In addition to all other interested parties, as determined by the district commander and/or the COTP, the district commander shall determine which, if any, of the following agencies to notify of waterway closures, including establishment of security zones and safety zones. This determination shall be based upon consideration of the nature of the closure, its geographic extent, likely duration, waterways activities affected, national defense considerations, potential impact on the safety of the surrounding population, and the involvement of agencies to be notified. Notification should include at least the information contained in a Notice to Mariners.

A. Federal Emergency Management Agency (FEMA)

1. Headquarters: Transportation Resource Manager
500 C Street SW
Washington, DC 20472
(202) 287-3983
2. Appropriate Regional Office: See Section 3. for locations

B. Maritime Administration (MARAD) Headquarters

1. National Security Plans Division - (202) 382-6100
2. Office of Ship Operations - (202) 426-5743
400 Seventh Street SW
Washington, DC 20590

C. Military Traffic Management Command (MTMC)

1. Headquarters

- a. Chief, Safety and Security/Provost Marshal (MT-SS)
(202) 756-1913 or Autovon: 289-1913
- b. Directorate of International Traffic (MT-IT)
5611 Columbia Pike
Falls Church, VA 22041
(202) 756-1130 or Autovon: 289-1130

2. Appropriate Area Command: either

East Area (MTE-IT)
Bayonne, NJ 07002
(201) 858-6341
Autovon: 247-6341

or

West Area (MTW-IT)
Oakland, CA 94626
(415) 466-2282
Autovon: 859-2282

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FIGURE 1-6 (cont'd)

D. Military Sealift Command (MSC)

1. Headquarters
Assistant Chief of Staff for Transportation
4228 Wisconsin Avenue NW
Washington, DC 20036
(202) 282-2900
2. Appropriate Area Command: either

Atlantic Area Military Ocean Terminal Building 42 Bayonne, NJ 07002 (201) 823-7831 Autovon: 247-7831	or	Pacific Area Oakland, CA 94625 (415) 466-5762 Autovon: 836-5762
---	----	--
3. Appropriate Regional Office: See Section 3. for locations

E. U.S. Army Corps of Engineers (USACE)

1. Headquarters
Office of Civil Works Operations - Maintenance (DAEN-CWO-M)
20 Massachusetts Avenue NW
Washington, DC 20314
(202) 272-0245
2. Appropriate Division and District Offices: Addresses and phone numbers for USACE district and division offices are published in "Corps of Engineers Activities/Installations List," which is updated semiannually. COTP's, MSO's, district (m) offices, and Coast Guard Headquarters are on the automatic distribution for this publication; it is also available from the Coast Guard Exchange Officer at USACE Headquarters, (202) 272-0281.

F. Department of Justice (DOJ)

Emergency Programs Center
Room 6101
10th St. & Constitution Avenue NW
Washington, DC 20530
(202) 633-2364 or Evening: (202) 633-2000

2. Special Circumstances. The following federal agencies shall be notified of waterway closures under circumstances described below. Notification in these cases shall contain as much information as possible and shall be made by the fastest means possible; any oral notification shall be confirmed by message or other hard copy record.

MARINE SAFETY MANUAL

FIGURE 1-6 (cont'd)

- A. Civil Disturbance Or Terrorist Threat. Whenever a security zone is established as a result of civil disturbance or terrorist threat, the following agency should be notified:

Department of Justice
Emergency Programs Center
Room 6101
10th Street & Constitution Avenue NW
Washington, DC 20530
(202) 633-2364 or Evening (202) 633-2000

- B. Imminent Danger Or Destruction Of Property. Whenever a safety or security zone is established to prevent significant damage to or destruction of property, or as a result of the actual destruction or property (whether from natural causes or civil disturbance), the following agency should be notified:

Federal Emergency Management Agency (FEMA)
Emergency Information and Coordination Center (OP-IC)
500 C Street SW
Washington, DC 20472
(202) 634-7800

3. Regional Offices.

A. FEMA Regional Offices.

Region I (Boston)
442 J. W. McCormack
POCH
Boston, MA 02109
(617) 223-4741

Region II (New York)
26 Federal Plaza, Rm. 1349
New York, NY 10278
(212) 264-8980

Region III (Philadelphia)
Liberty Square Bldg., 2nd Floor
105 S. Seventh Street
Philadelphia, PA 19106
(215) 597-9416

Region IV (Atlanta)
1371 Peachtree Street NE
Suite 700
Atlanta, GA 30309
(404) 881-2400

Region VI (Dallas)
Federal Regional Center, Rm. 206
800 Loop 288
Denton, TX 76201
(817) 387-5811

Region VII (Kansas City)
911 Walnut Street, Rm. 300
Kansas City, MO 64106
(816) 374-5912

Region VIII (Denver)
Denver Federal Center, Bldg. 710
Box 25267
Denver, CO 80225-0267
(303) 235-4811

Region IX (San Francisco)
Bldg. 105
Presidio of San Francisco
San Francisco, CA 94129
(414) 556-8794

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FIGURE 1-6 (cont'd)

Region V (Chicago)
300 South Wacker Drive
(24th Floor)
Chicago, IL 60606
(312) 353-8661

Region X (Seattle)
Federal Regional Center
130 228th Street, SW
Bothell, WA 98021-9796
(206) 481-8800

B. MSC Command Regional Offices.

1. Atlantic Area.

Norfolk, VA
Commanding Officer
Military Sealift Command Office
Bldg. Y100A, Naval Supply Center
Norfolk, VA 23512
(804) 444-7713
Autovon: 690-7713/4

New Orleans, LA
Commanding Officer
Military Sealift Command Office
4400 Dauphine Street
New Orleans, LA 70146
(504) 948-1113/4
Autovon: 363-1113/4

Port Canaveral, FL
Commanding Officer
Military Sealift Command Office
Box 4066
Patrick Air Force Base, FL 32925
(305) 452-1317/853-7818
Autovon: 854-7605/6

2. Pacific Area.

Anchorage, AK
Commanding Officer
Military Sealift Command Office
Elmendorf AFB, AK 99506
Autovon: (317) 552-4813/2563

Seattle, WA
Commanding Officer
Military Sealift Command Office
Pier 91
Seattle, WA 98119
Autovon: 941-3908

Honolulu, HI
Commanding Officer
Military Sealift Command Office
Box 115
Pearl Harbor, HI 96860
Autovon: 471-0254/5
Navy Switch: 695-9801

San Diego, CA
Officer in Charge
Military Sealift Command Office,
San Diego
960 North Harbor Drive
San Diego, CA 92132
Autovon: 958-3731

Long Beach, CA
Commanding Officer
Military Sealift Command Office
U.S. Naval Station
Long Beach, CA 90822
Autovon: 360-7315

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1.J. Protection Of Public Vessels.

1. Definition. The term "public vessel" generally means any vessel owned and operated by a department or agency of the United States Government, or a state or subdivision thereof, which is engaged exclusively in official, noncommercial operations. This term also applies to a foreign vessel that is owned and operated similarly by a foreign government recognized by the United States. The term normally does not include a vessel that is merely chartered or subsidized by a government, that is government-owned but not operated by government personnel, or that is privately-owned and operated by government personnel. All U.S. public vessels display a certificate of public vessel status signed by the secretary of the department under which it operates.
2. Public Vessels And International Law. The U.S. adheres to the principle of international law that the jurisdiction of a nation over its public vessels, and all persons and goods thereon, is inviolate even if in the ports or waters of another nation. Such a vessel, operating under responsible officers and in the service of its government, is not subject to libel (legal attachment or seizure) or other civil actions (e.g., those arising from claims for debts, damages, collisions, or salvage services) or to criminal actions arising from infractions of local criminal codes. [NOTE: The U.S. also adheres to the principle that a vessel shall not normally be boarded by officials of the host country without the permission of the commanding officer (CO) or master.]





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CHAPTER 2. DEEPWATER PORTS (DWP's)

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CHAPTER 2. DEEPWATER PORTS (DWP's)

- A. Authority. The authority for Department of Transportation (DOT) licensing and inspection of DWP's is contained in the Deepwater Port Act of 1974 (DPA), as amended (33 USC 1501 et seq.), and 33 CFR 148-150. Licenses for a DWP are issued and signed by the Secretary of the Department of Transportation (SEC DOT). The SEC DOT has delegated most regulatory responsibilities imposed by the DPA to the Commandant, including the processing of license applications. The SEC DOT has, however, retained the authority to issue, transfer, amend, or renew DWP licenses (49 CFR 1.44(o)(7)). The Commandant has further delegated enforcement responsibility for DWP's to the captain of the port (COTP) where the DWP is located (33 CFR 1.01-30). For information on DWP safety zones, see chapter 1 of this volume.
- B. Coast Guard Responsibilities. The Coast Guard has the following DWP-related responsibilities:
1. Commandant (G-WPE).
 - a. Coordinates DWP activities for the Program Manager, Commandant (G-W);
 - b. Processes DWP license applications;
 - c. Develops mission performance standards for DWP activities;
 - d. Reviews environmental monitoring programs for DWP's and annually inspects DWP's for compliance with environmental regulatory requirements;
 - e. Prepares changes to the DWP regulations in 33 CFR Subchapter NN;
 - f. Prepares the annual report to Congress required by the DPA;
 - g. Establishes DWP safety zones;
 - h. Processes exemption requests under 33 CFR 148, Subpart F; and
 - i. Processes requests for major construction changes to DWP's for approval by Commandant (G-W).
 2. Commandant (G-MVI).
 - a. Provides technical review of DWP applications and design proposals;
 - b. Provides technical support to Commandant (G-WPE) and the Program Manager, as requested, in administering the DPA and associated regulations; and
 - c. Reviews and approves modifications to DWP construction drawings and specifications, with the assistance of Commandant (G-MTH);

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2.B.3. Commandant (G-WFR). Administers activities relating to the Deepwater Port Liability Fund established in the DPA.

4. District Commander (m).

- a. Acts as Program Manager for Coast Guard DWP-related activities within the district.
- b. Reviews the quarterly Coast Guard Enforcement Activities Report for Deepwater Port Offshore Platforms, Form CG-5402, submitted by cognizant COTP's, for accounting accuracy and completeness, and forwards it to Commandant (G-WPE) within 30 days after the end of each quarter. Figure 2-1, found on pages 2-3 through 2-5, may be duplicated locally.
- c. Answers questions from COTP's regarding the DPA, DWP regulations, and/or Coast Guard policy, or forwards these questions to Commandant (G-WPE-1) for resolution.
- d. Assists the COTP as necessary.

5. District Commander (oan). Maintains records of private aids to navigation (ATON) established at DWP's in accordance with 33 CFR 149 Subpart E and 33 CFR 150 Subpart F.

6. COTP.

- a. Conducts inspections of DWP's onshore and offshore facilities annually and as otherwise deemed necessary to ensure compliance with the DPA, applicable regulations, and this chapter;
- b. Coordinates DWP materiel inspections with the cognizant officer in charge, marine inspection (OCMI);
- c. Approves or disapproves minor construction changes on DWP offshore facilities;
- d. Assures that drawings and specifications for major construction changes on DWP offshore facilities are submitted to Commandant (G-WPE) for action;
- e. Monitors vessels calling at DWP's to ensure compliance with applicable policies, laws, and regulations;
- f. Reports violations of U.S. laws and regulations by the DWP and/or vessels calling there to the district commander (m) for action;
- g. Prepares and submits quarterly summaries of Coast Guard DWP-related activities, which are required for program review and for the annual report to Congress, as required by the DPA. Form CG-5402 is submitted quarterly to Commandant (G-WPE), via the district commander (m) within 15 days after the end of each quarter. Negative reports are not required.

**COAST GUARD ENFORCEMENT ACTIVITIES REPORT
FOR DEEPWATER PORT OFFSHORE PLATFORMS; QUARTER ENDING _____**

**DEPARTMENT OF TRANSPORTATION
U.S. Coast Guard
CG-5402 (5-85)**

	MONTH #	GALLONS	HRS	MONTH #	GALLONS	HRS	MONTH #	GALLONS	HRS	QTR TOTALS #	GALLONS	HRS
1. Tankers Offloaded	—	—	XXX ¹	—	—	XXX	—	—	XXX	—	—	XXX
2. High Priority Tankers	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
3. Tankers Boarded	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
Examined	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
Monitored	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
Total	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
4. Violations	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
Vessel Boarding	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
MARPOL Discharge	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
FWPCA Discharge	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
Oil Transfer	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
Platform	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
Other	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
Total	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX
5. Oil Spills	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
Vessel ²	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
Oil Transfer ³	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
Platform ⁴	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
Floating Hose ⁴	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
SPMs ⁴	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
Other ⁴	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
Total	—	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX
6. Oil Spills	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
CG Response & Investigations	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
7. Platform Inspections	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—

COAST GUARD ENFORCEMENT ACTIVITIES REPORT
FOR DEEPWATER PORT OFFSHORE PLATFORMS; QUARTER ENDING _____

	MONTH			MONTH			MONTH			QTR TOTALS		
	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS
8. Equipment Inspections												
Malfunction. Detectors		XXX			XXX			XXX			XXX	
Private Aton		XXX			XXX			XXX			XXX	
Transfer Valves		XXX			XXX			XXX			XXX	
Communications		XXX			XXX			XXX			XXX	
Lif. Boats &												
Preservers		XXX			XXX			XXX			XXX	
Firefighting/Safety		XXX			XXX			XXX			XXX	
Oil Spill		XXX			XXX			XXX			XXX	
Floating Hoses		XXX			XXX			XXX			XXX	
OTS Components		XXX			XXX			XXX			XXX	
Oil Spill Containment												
& Clean Up		XXX			XXX			XXX			XXX	
SPMs		XXX			XXX			XXX			XXX	
Other		XXX			XXX			XXX			XXX	
Total		XXX			XXX			XXX			XXX	
9. Review												
Ops Manuals		XXX			XXX			XXX			XXX	
Station Bills		XXX			XXX			XXX			XXX	
Other		XXX			XXX			XXX			XXX	
Total		XXX			XXX			XXX			XXX	
10. Emergency Drills ²												
Man overboard		XXX			XXX			XXX			XXX	
Collision		XXX			XXX			XXX			XXX	
Fire/Explosive		XXX			XXX			XXX			XXX	
Aircraft Crash		XXX			XXX			XXX			XXX	
Medico		XXX			XXX			XXX			XXX	
Adverse Weather		XXX			XXX			XXX			XXX	
Oil Spill		XXX			XXX			XXX			XXX	
Evacuation		XXX			XXX			XXX			XXX	
Hurricane		XXX			XXX			XXX			XXX	
Total		XXX			XXX			XXX			XXX	

COAST GUARD ENFORCEMENT ACTIVITIES REPORT
FOR DEEPWATER PORT OFFSHORE PLATFORMS; QUARTER ENDING _____

	MONTH _____			MONTH _____			MONTH _____			QTR TOTALS		
	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS
11. Prepare Reports	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
12. Transportation Time	—	XXX	—	—	XXX	—	—	XXX	—	—	XXX	—
13. Total Work Time ⁶	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—	XXX	XXX	—

Notes:

1. Underlined spaces containing X's indicates that no data is required. Place O's in underlined spaces when there is no data to report.
2. Vessel oil spills other than during transfer operations.
3. Transfer oil spills are spills from vessels, hoses, platform, etc., during actual transfer operations.
4. Platform, floating hose, SPMs, other oil spills are those spills that do not occur during oil transfer operations.
5. Emergency drills participated in or observed as part of duty requirements.
6. Total work time is the sum of all hours listed for items 1-12.

Comments:

Date Submitted _____

Signature of COTP _____

Date of District Review _____

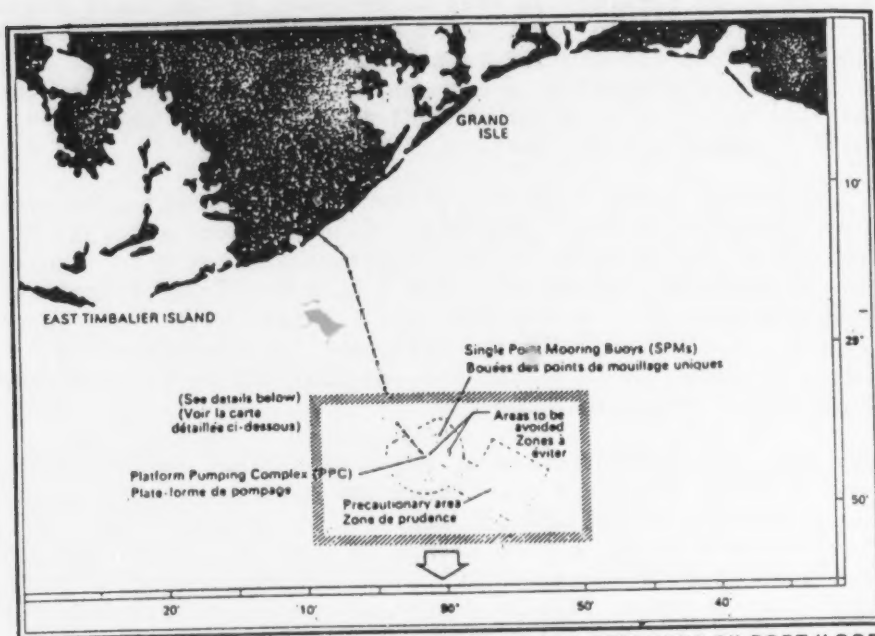
Signature of Reviewer _____

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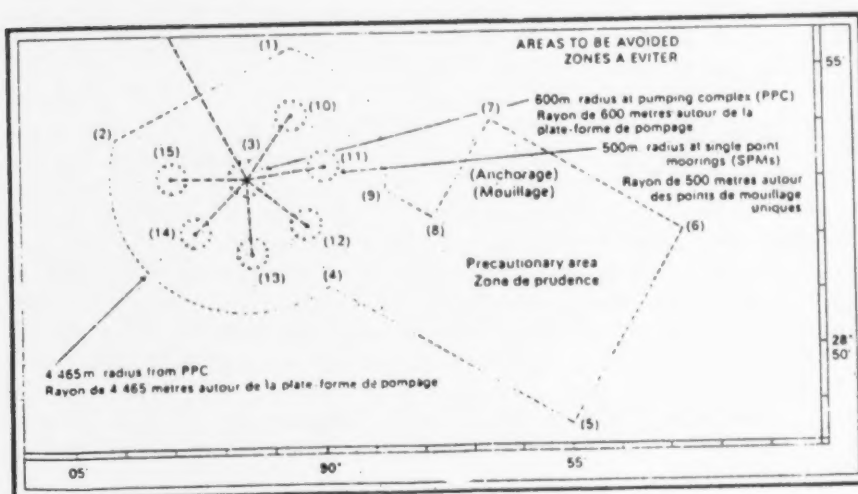
- 2.B.6. h. Forwards questions regarding the DPA, DWP regulations, and/or Coast Guard policy to the district commander (m) for resolution;
- i. Maintains copies of and a list of all current exemptions for each DWP. Inspection personnel shall be apprised of all current exemptions prior to inspecting DWP facilities;
- j. Approves amendments to DWP Operations Manuals;
- k. Regulates DWP operations and maintains DWP Operations Manuals; and
- l. Authorizes deviations from the DWP operational requirements in 33 CFR 150.
- C. Licensing. Each potential DWP operator is required to obtain a license from the SECNOT prior to commencing construction. The license specifies conditions with which the licensee must comply. These conditions may address any aspect of ownership, design, or operation. The responsibility for enforcing license conditions rests with the COTP in whose zone the DWP is located (33 CFR 1.01-30). As of 1 January 1986, only one DWP has been licensed in the United States. This DWP is the Louisiana Offshore Oil Port, Inc. (LOOP), which is located approximately 18 miles off the Louisiana coast (see Figure 2-2).
1. Application. Commandant (G-W) processes applications for DWP licenses in accordance with 33 CFR 148 Subpart B. Potential applicants are encouraged to confer with Commandant (G-WPE-1) at (202) 755-7917 in developing the application. The requirements prescribed for the application include:
- a. Target dates for major events;
- b. Preparation of environmental impact statements (EIS's);
- c. Determination of effects on other ports and adjacent states; and
- d. Holding of public and/or formal hearings.
2. Fees. The costs incurred by the U.S. in processing an application will be charged to the applicant. A non-refundable fee of \$100,000 shall be included with the application. Costs exceeding this fee during the processing of the application must be paid to the U.S. Treasury by the applicant when assessed.
3. Issuance Of Licenses. Commandant (G-W) and representatives of other interested government agencies provide recommendations concerning DWP license applications to the SECNOT. When an application is approved, and when all the conditions in 33 CFR 148.323 are satisfied, the SECNOT issues the license. A DWP license issued under the DPA remains in effect until revoked or suspended. Once the license is issued, the licensee is granted 2 years to commence construction and 5 years to begin common carrier operations.

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FIGURE 2-2
LOOP LOCATION



AT LOUISIANA OFFSHORE OIL PORT (LOOP)
AU PORT PETROLIER AU LARGE DE LA LOUISIANE (LOOP)



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- 2.C.4. Application Evaluation. Commandant (G-W) reviews DWP applications and design proposals with support from Commandant (G-MVI) and (G-MTH) technical staffs. Commandant (G-MVI) and (G-MTH) and other offices as appropriate, review DWP proposed sites, Operations Manuals, structures, and pipelines. The application must be reviewed by the Coast Guard within 21 days after submittal to verify that all the information required by 33 U.S.C. 1503 and 1505 (33 CFR 148 Subparts B and E and Appendix A) is included. If the application is not complete or is inaccurate, the applicant will be notified within the 21-day period and given the opportunity to amend the application.
- a. Site Evaluation. DWP license applicants must conduct site evaluations prior to submitting their proposals, in accordance with 33 CFR 148.501-509. Coast Guard technical personnel work with cognizant Bureau of Land Management (BLM) and U.S. Army Corps of Engineers (USACE) offices, and other interested federal, state, and local entities in evaluating DWP applications. Site selection is coordinated with BLM in particular, as they can be of assistance in reviewing site evaluation reports.
 - b. Design Review. Design review of DWP applications is intended to verify that the plans and specifications for the project comply with the requirements of the DPA and implementing regulations. A complete review of the adequacy of the design is not conducted. Navigation and Vessel Inspection Circular (NVIC) 8-84, "Recommendations for the Submittal of Merchant Vessels Plans and Specifications," is a good reference tool. Submittal of plans should be minimized to the extent that review efforts are not wasted on plans that do not require certification. Design criteria and operational concept reports may be helpful in evaluating the design without a need for complete review of the proposal.
 - c. Environmental Review. Commandant (G-W) conducts an environmental review of all DWP applications in accordance with the requirements in 33 CFR 148, Appendix A. This review includes preparation of an EIS and public hearings.
 - d. Required Copies. Licensees are required to submit three copies of construction drawings and specifications with applications and proposals, in accordance with 33 CFR 149.203: one for return to the applicant upon Coast Guard approval, one for the COTP's files, and one for Commandant (G-WPE) files. Folded plans are specifically requested. All plans and specifications submitted to Commandant (G-W) for approval shall bear the seal, or facsimile imprint thereof, of a registered professional engineer to verify that the design has been competently reviewed. When construction or installation is complete, the licensee must submit two complete sets of the drawings and specifications on 105mm negatives to Commandant (G-W). Each negative must be placed in a separate envelope, identified, and indexed.

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2.D. Operations Manual.

1. Development. Licensees are required by 33 CFR 150.105 to prepare an Operations Manual for the DWP in accordance with "Guidelines for Preparation of a Deepwater Port Operations Manual." This publication is available from Commandant (G-WPE-1). During development of draft manuals, comments will be provided by cognizant staffs in the office of the SEC DOT, the Coast Guard, and other government agencies. DWP operations cannot begin until the Operations Manual is approved.
2. Enforcement. The COTP shall ensure that DWP operations are conducted in accordance with the provisions of an approved Operations Manual. Each COTP shall maintain an approved updated copy of the Operations Manual for each DWP in their zone. The COTP may require amendments to, or authorize deviations from, the Operations Manual as provided in 33 CFR 150 Subpart A.

E. Exemptions And Deviations.

1. Exemptions. Under 33 CFR 148 Subpart F, any person required to comply with any specific requirements in 33 CFR Subchapter NN may submit a petition in writing to Commandant (G-W) for an exemption. Commandant (G-W) rules on such petitions after evaluating the circumstances of the case. An exemption shall apply only to the DWP for which the exemption was requested. COTP's shall maintain a file of all current exemptions for each DWP in their zone, and shall ensure that inspection personnel are made aware of all exemptions for each DWP prior to inspecting each DWP's facilities.
2. Deviations. Under 33 CFR 150.113, the COTP may authorize a deviation, upon written request, from the operational requirements in 33 CFR 150, if the COTP finds that the proposed alternative procedure, method or equipment would ensure equivalent protection, safety, or quality level.

F. Inspection Of DWP Activities. The Coast Guard is responsible for ensuring that DWP's comply with applicable statutes, regulations, and terms set forth in their license. Additionally, by definition a DWP is a large oil transfer facility, and as such is subject to the requirements in 33 CFR 154. During transfers, either cargo transfers or replenishment from barges or from bunker service vessels, the DWP and the vessel involved must meet the requirements of 33 CFR 156.

1. Inspection Procedures. COTP's shall annually inspect each DWP in their zone. In ports where the COTP and marine inspection office (MIO) are separate entities, the COTP shall coordinate DWP inspections with the OCMI, since materiel inspections of the DWP offshore facility and of vessels at the DWP, when applicable, must be performed by a qualified marine inspector. Inspection personnel must be alert to any unauthorized alterations to the physical structure, including installation of additional equipment or materials that may be in violation of the regulations. Additionally, inspection personnel shall be familiar with the approved Operations Manual and all approved exemptions for each DWP they are to inspect. The following sections discuss those areas where

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2.F.1. (cont'd) amplification may be helpful. If a checklist for a DWP inspection is desired, it should be developed locally:

- a. Structural Inspections. The licensee is required to conduct inspections of the platform structures. Coast Guard inspectors shall ensure that the licensee's inspection program is current, and that deficiencies are corrected in a timely manner.
- b. Transfer Piping. Safe operation of the main oil transfer piping is a joint responsibility of the Coast Guard and the DOT's Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS). The regional OPS office should be contacted by the COTP when irregularities are encountered during inspections.
- c. Single Point Moorings (SPM's). The Coast Guard requires a DWP licensee to obtain an American Bureau of Shipping (ABS) "Interim Class Certificate" or a "Classification Certificate" for every SPM prior to operation of the facility. Inspectors shall ensure the licensee maintains each SPM in class, and that hoses and hawsers for the SPM are inspected in accordance with 33 CFR 150.405 and the DWP Operations Manual. If the mooring or oil transfer limits are set by readings of mooring load monitors, these devices must operate properly during transfer in accordance with the approved plans.
- d. Means Of Escape. The approved design of the pumping platform complex will require a certain number of fixed and unfixed means of escape (33 CFR 149.421). Inspectors shall check the overall condition of, and accessibility from, each platform level to the water's surface. Inspectors shall also be alert to any modifications that may have degraded or reduced the required number of means of escape.
- e. Personnel Landings And Transfer Systems. Personnel landings shall be inspected to ensure they are in good condition and well maintained, with adequate guardrails and sufficient lighting to accommodate personnel safely. If the platform has swing-ropes installed, inspectors shall pay close attention to the ropes themselves and to the chains and shackles usually used for attaching the swing-ropes to the structure. The "Billy Pugh" net or other transfer system utilized by a crane-equipped platform shall be thoroughly inspected (see volume II of this manual). All lines and their attachments, including the crane hook, shall also be checked for general condition. Whenever possible, inspectors should observe the transfer system in operation.
- f. Guardrails, Fences, And Toeboards. Inspectors shall ensure that all open-sided decks, deck openings, and catwalks have toeboards and other protective devices that meet or exceed the "Safety Requirements for Floor and Wall Openings, Railings, and Toeboards" of the American National Standards Institute (ANSI) A12.1 1973. Inspectors shall be alert to any modifications that may have removed or weakened these devices.

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- 2.F.1. g. Firefighting Systems. Firefighting equipment requirements are listed in 33 CFR 149.451-517 and 33 CFR 150.504-507. Under 33 CFR 149.402, all excess equipment must be Coast Guard-approved. Inspectors shall also verify that all firefighting equipment maintenance and inspections required by the Operations Manual have been carried out.
- h. Lifesaving Equipment. Lifesaving equipment requirements are listed in 33 CFR 149.521-537 and 33 CFR 150.508. All excess equipment must be Coast Guard-approved in accordance with 33 CFR 149.402. NVIC 2-63, "Guide for Inspection and Repair of Lifesaving Equipment," and volume II of this manual may also be consulted.
- i. Leak And Malfunction Detection Systems. Inspectors shall ensure all elements of this system are operational and that alarm levels are set in accordance with the Operations Manual.
- j. Emergency Power Systems. Each pumping platform complex is required to have an emergency power source capable of providing sufficient power to operate the following equipment for a continuous 8-hour period:
- (1) Emergency lighting circuits;
 - (2) ATON equipment;
 - (3) Communications equipment;
 - (4) Radar equipment;
 - (5) Alarm systems; and
 - (6) Electrically-operated fire pumps and other emergency electrical equipment systems, as specified in the Operations Manual.
- Inspectors shall ensure this emergency power system is operational by requiring it to be operated under load.
- k. Manning. Qualifications are specified in 33 CFR 150 Subpart B for the following positions: port superintendent, cargo transfer supervisor, cargo transfer assistant, vessel traffic supervisor, mooring master, and assistant mooring master. All of these personnel must know the procedures specified in the DWP Operations Manual for their respective positions, and be able to read, write, and speak English. 33 CFR 150.525 specifies qualifications for emergency medical technicians.
2. Deficiencies. All deficiencies discovered during inspections shall be reported to the licensee, as well as to the COTP. Correction of deficiencies must be performed in accordance with the license. Under 33 CFR 150.425, the Coast Guard may take immediate action when required to prevent the discharge or threat of discharge of oil, or to protect the safety of life and property.

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2.G. Vessel Examinations. Vessels calling at a DWP, regardless of flag, are subject to the same laws, regulations, and policies as vessels calling at other ports under U.S. jurisdiction. Inspections, examinations, and monitors, as appropriate, shall be conducted in accordance with the guidance in volume II of this manual and Commandant Instruction (COMDTINST) 5010.8 (Series).

H. Implied Consent Agreements.

1. General. Congress amended the DPA in 1984 to make DWP's more economically viable, by reducing the number of special DWP requirements. One of these amendments was the replacement of the requirement for bilateral agreements with each country whose vessels wanted to call at a DWP, by implied consent. Essentially, vessels of a nation which does not object to U.S. jurisdiction at a DWP may now call at that DWP without entering into a written bilateral agreement. Existing bilateral agreements remain in effect unless rescinded by one of the party nations.
2. Procedures. In October 1984, the State Department contacted the governments of all maritime nations explaining that their vessels will be subject to the jurisdiction of the United States while at a U.S. DWP, absent a government's objection. Any country which does not accept U.S. jurisdiction at a DWP must present their objection formally to the State Department. Upon receipt of such an objection, the State Department will notify the Commandant (G-WPE), who will immediately notify the cognizant district commander (m) and the DWP licensee. Upon notification of receipt of the objection, the cognizant COTP shall deny (and the licensee shall not permit) entry to all vessels of the objecting country to U.S. DWP's. The State Department will officially inform the licensee by letter that vessels of that nation are not permitted to call at the DWP, in accordance with the DPA. As of 18 October 1985, Mexico is the only nation that has objected to U.S. jurisdiction at a DWP; consequently, Mexican-flag vessels are denied entry to DWP's.

I. Quality Assurance Programs.

1. General. DWP licensees should have Coast Guard-approved quality assurance plans established prior to commencing operations. A quality assurance program ensures that the final development and operation of the DWP is executed as proposed and authorized. Such a program coordinates inspection, testing, and fabrication of materials; procurement, handling, shipping and storage; processing of documentation; and correction of discrepancies. An essential requirement is that quality assurance personnel are as far removed as possible from those responsible for project costs and progress. Also important is a continuing chain of documentation to ensure that discrepancies are targeted and corrected rapidly.
2. Criteria. 10 CFR 50 Appendix B prescribes the quality assurance criteria for nuclear power and fuel reprocessing plants. While a deepwater petroleum port need not incorporate such extreme safeguards in its program, these requirements do provide an excellent framework by which a DWP program may be evaluated.

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CHAPTER 3. BRIDGE ADMINISTRATION (BA) PROGRAM

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CHAPTER 3. BRIDGE ADMINISTRATION (BA) PROGRAM

A. Introduction.

1. Authority. Several bridge statutes, as amended, give the Department of Transportation (DOT) authority for administration of laws governing bridges and causeways crossing the navigable waters of the United States. The Secretary of the DOT (SEC DOT) delegated this authority to the Commandant of the Coast Guard under 49 CFR 1.46(c); the Commandant has further delegated certain permitting authority to the Chief, Office of Navigation (G-N) under 33 CFR 1.01-60(a) and to the district commanders under 33 CFR 1.01-60(b). The statutes governing bridges and causeways pertain to:
 - a. Approval of bridge location and plans for navigational clearances (33 U.S.C. 401, 491, 525, 535);
 - b. Regulation of the operation of drawbridges (33 U.S.C. 494, 499);
 - c. Alteration of bridges obstructing navigation (33 U.S.C. 494, 495, 502, 511 et seq.); and
 - d. Approval of bridge lighting configurations (14 U.S.C. 84, 85, 92, 633; 33 U.S.C. 494).
2. Regulations. To implement these statutes, the Coast Guard has published the following regulations in 33 CFR Chapter I, Subchapter J (Bridges):
 - a. Part 114 - General;
 - b. Part 115 - Bridge Locations and Clearances; Administrative Procedures;
 - c. Part 116 - Alteration of Obstructive Bridges;
 - d. Part 117 - Drawbridge Operation Regulations; and
 - e. Part 118 - Lighting of Bridges.

- B. Management Activities. Commandant (G-NBR) administers the BA Program and publishes the Bridge Administration Manual, Commandant Instruction (COMDTINST) M16590.5. A bridge administrator in the district (oan) branch (or, in some cases, in a section of the district (oan) branch) manages the program at the district level. Inquiries about the BA Program should be forwarded to the appropriate district bridge administrator. [NOTE: While this program is administered separately from the Port and Environmental Safety (PES) and Waterways Management (WWM) Programs, the concerns of these programs are linked. Liaison should be maintained between the captain of the port (COTP) and the district bridge administrator to ensure that port and navigation safety objectives are mutually achieved.]

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3.C. Statutory Changes. The Coast Guard Authorization Act of 1982 amended the authority granted under the bridge statutes to:

1. Exempt bridges across certain waters from the requirement to be permitted by the Coast Guard (see the Bridge Administration Manual for a discussion of which waters);
2. Add civil penalty provisions to the existing authority to pursue criminal penalties for violations;
3. Prohibit a vessel from unnecessarily requiring a drawbridge to be opened;
4. Prohibit any person from delaying opening of a drawbridge after proper signal has been given; and
5. Prohibit an owner or operator from failing to maintain a bridge adequately.

D. Reports Of Violations. Reports of alleged violations of the bridge administration statutes or regulations may be submitted by Coast Guard personnel, local law enforcement and other federal agencies, towing companies and other industry concerns, and private citizens. Such reports, made by telephone or in writing, may allege illegal construction activities, deviations from approved plans, failure to open a drawbridge, etc. These reports shall be forwarded promptly to the district bridge administrator.

E. Program Coordination. Occasionally the district Bridge administrator may require assistance from other Coast Guard resources for a specific investigative or enforcement action. In such cases, the administrator will specify requirements and instructions in the request for assistance.

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CHAPTER 4. VESSEL TRAFFIC MANAGEMENT

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CHAPTER 4. VESSEL TRAFFIC MANAGEMENT

A. General Traffic Management Concepts.

1. Introduction. Vessel traffic management encompasses a wide range of Coast Guard activities and tools including aids to navigation, vessel routing systems, Regulated Navigated Areas (RNA's), Navigation Rules, voice communications, and Vessel Traffic Services (VTS). Vessel traffic management attempts to establish two basic principles: good order and predictability. The objectives served by these principles include:

- a. Reduction in the rate of collisions, rammings, and groundings, and ensuing environmental harm;
- b. Facilitation of vessel traffic movement;
- c. Provision for all-weather navigation capability in certain areas; and
- d. Reduction in the rate of fire, explosion, and pollution casualties, and the probability of a port or waterway catastrophe.

2. Management Levels. Coast Guard vessel traffic management exists on two distinct levels: passive and active.

- a. Passive Management. Passive traffic management is any form of traffic management where extent of compliance is vested solely with the user. The "rules of the road," traffic separation schemes, and RNA's are all forms of passive management. Depending on the configuration of a particular port or waterway and the complexity of its vessel traffic patterns, one or more passive management techniques or procedures may be established to achieve a desired level of safety and protection of the environment. Passive traffic management can be very cost-effective, in that government resources are required only to administer and enforce requirements.
- b. Active Management. Active traffic management involves direct interaction between the government and the user to ensure compliance with government requirements. Active traffic management is used only in those areas where passive management techniques and procedures are inadequate to provide a desired level of safety and protection of the environment. When personnel not aboard a vessel become involved in its operation, either directly or indirectly, vessel traffic management becomes active. VTS is the most common form of active traffic management. A VTS provides the person in charge of a vessel with information critical to safe navigation which would not normally be available without the VTS. Examples of such information include notification of hazards to navigation, traffic advisories, and aids to navigation (ATON) discrepancies. [NOTE: Such assistance notwithstanding, it remains the ultimate responsibility of the master to control the movement of the vessel to ensure its safe passage.]

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- 4.A.3. Ports And Waterways Safety Act Of 1972 (PWSA). The PWSA, as amended by the Port and Tanker Safety Act of 1978 (PTSA) (33 U.S.C. 1221 et seq.), provides the basic authority for the Waterways Management (WWM) Program, particularly to establish and operate VTS's, to establish traffic separation schemes and fairways, RNA's, and safety zones, and to require carriage of specified navigation and communication equipment.

B. Aids To Navigation.

1. Federally-Maintained Aids. The ATON Program of the Coast Guard is two-faceted: the audio-visual element facilitates the safe and expeditious passage of marine traffic in coastal areas, inland waterways, and harbors through the use of buoys, daymarkers, fog signals, lighthouses, and beacons; the electronic element serves mariners by providing continuous, all-weather position-fixing capability through the use of long range aid to navigation (LORAN) and radio beacons (RACON's). The statutory authority for the ATON Program is contained in 14 U.S.C. 2, 81, and 83. The establishment, maintenance, and operation of aids to navigation has been authorized by the Commandant to mark the navigable waters of the United States, the waters over the Outer Continental Shelf (OCS), and U.S. territories and possessions. Aids to navigation are established, maintained, and operated by the Coast Guard when necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and justified in terms of public benefit to be derived therefrom.
2. Privately-Maintained Aids. Private aids to navigation are those which are legally required or personally desired by a property owner to be displayed. They are assigned one of the following classifications:
 - a. Class I. Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain, and operate, as prescribed by 33 CFR 66 and 67.
 - b. Class II. Aids to navigation, exclusive of Class I, that are located in waters ordinarily used for general navigation.
 - c. Class III. Aids to navigation, exclusive of Class I, not ordinarily used for general navigation.

Applications to establish, maintain, discontinue, change, or transfer ownership of a private aid to navigation shall be made to the appropriate district commander. Form CG-2554, Private Aids to Navigation Application, shall be used in these instances. Instructions for completing the form are found on its reverse side. The Aids to Navigation Manual, Commandant Instruction (COMDTINST) M16500.7, contains additional information on the administration of private aids to navigation.

3. Captain Of The Port (COTP), Officer In Charge, Marine Inspection (OCMI), VTS Involvement. Although the COTP, OCMI, and VTS are not charged specifically with ATON responsibilities, they are in an ideal position to relay pertinent information to district ATON personnel. Since aids to

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4.B.3. (cont'd) navigation play a great part in marine safety, it is important for these officers to maintain contact with the district ATON branch; likewise, they should be apprised of changes in aids within their zones. Marine safety personnel frequently receive comments and suggestions about aids to navigation from mariners; these comments should be forwarded to the district ATON branch. The COTP, OCMI and VTS should encourage their personnel to transit the area, whenever practicable. This provides insight into the ATON system and familiarity with the area.

4. Reported ATON Discrepancies. Due to the close association with marine interests, the OCMI, COTP or VTS will occasionally receive reports of ATON discrepancies. Such reports should note, as a minimum, how far and in what direction buoys may be off-station; what components on buoys or structures have been damaged; what signals or features are improper or inoperative, and what is the current signal or status; the suspected cause of the malfunction or improper stationing of the buoy; on-scene weather conditions; hazardous conditions created; the name of the person or vessel reporting; and the identity (if known) of the party causing the damage. This information should be immediately relayed to the district ATON branch. Since certain aids are more critical than others, immediate action cannot be taken to correct all discrepancies. However, they must be recorded so that appropriate response will occur.

C. Navigation Rules. The regulations, formerly referred to as the "Rules of the Road," have the primary purpose of preventing collisions between vessels. Under authority of the Inland Navigational Rules Act of 1980 (33 U.S.C. 151-221 and 2001 et seq., as amended), the old Inland, Western River, and Great Lakes Rules were combined into the new unified Inland Navigation Rules. These rules became effective on 24 December 1981 with the exception of the Great Lakes, which became effective on 1 March 1983. The Inland and International Rules have been reprinted in COMDTINST M16672.2 (Series). Enforcement authority for these rules is vested in the Coast Guard. With respect to the International Rules, enforcement authority is currently limited to actions pursuant to Section 4450, Revised Statutes of the United States (46 U.S.C. Chapter 77). The Navigation Rules, combined with aids to navigation, constitute the most basic form of traffic management. No vessel traffic management system relieves shipboard personnel from compliance with these Navigation Rules.

D. Voice Communications.

1. Vessel Bridge-To-Bridge Radiotelephone Act. The purpose of the Act (33 U.S.C. 1201 et seq.) is to provide a positive means whereby operators of approaching vessels can communicate their intentions to one another. Regulations for the enforcement of this Act and for the use of vessel radiotelephones are contained in 33 CFR 26. Information for vessels operating on the Great Lakes is found in the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, as amended in 1978. Regulations which specify operating and technical conditions and characteristics, frequencies, and the power of radiotelephone equipment required under the law are described by the Federal Communications Commission (FCC) in 47 CFR 81 and 83.

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- 4.D.2. Use Of VHF Channel 13. VHF-FM Channel 13 (156.65 MHz) has been designated as the vessel bridge-to-bridge radiotelephone frequency (see 33 CFR 26.04). Two exceptions to this are the use of Channel 16 on the Great Lakes and Channel 67 on the Lower Mississippi River (Baton Rouge area). Generally, Coast Guard shore units, with the exception of those providing VTS, may not use these frequencies; authorization for such units to use them must be obtained from Commandant (G-N).
- E. Vessel Routing Systems. Ship routing is a complex series of measures concerning routes aimed at reducing the risk of casualties. It includes traffic separation schemes, two-way routes, tracks, areas to be avoided, inshore traffic zones, and deepwater routes. The International Maritime Organization (IMO) is recognized as the international body responsible for establishing and recommending measures concerning ships' routing. The IMO publication Ships' Routing contains definitions, symbols, and guidance for establishing routing measures. Ship routing measures within U.S. waters are established through the regulatory process; all proposed routing measures, whether in international or inland waters, must be submitted to Commandant (G-N) for review and approval.
- F. Use Of RNA's. RNA's are discussed in chapter 1 of this volume.
- G. Coast Guard VTS. The PWSA was passed by Congress to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States. This is the major goal and objective of a VTS. Using installed communications and surveillance equipment, and COTP or VTS specific regulatory authority when necessary, the VTS is able to help prevent vessel collisions and in some cases, groundings, before they happen. VTS's also have the capability to undertake defense-related responsibilities specified by Maritime Defense Zone (MDZ) commanders, monitor aids to navigation and anchorages, and provide search and rescue (SAR) and law enforcement assistance.
1. Vessel Control Considerations. Chapter 1 of this volume discusses the parameters to be considered by district commanders and COTP's in exercising control of vessel traffic during hazardous circumstances. In areas where a VTS has been established, restrictions and control of vessel movement during emergency situations should be coordinated through the Vessel Traffic Center (VTC) to the maximum extent possible. Several VTS's have specific regulatory authority to control vessel traffic when necessary. In those VTS where specific VTS regulatory authority has not been established, the COTP must ensure provision is made to enable a VTS watchstander to issue immediate directions when necessary to control and supervise traffic during conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances; and to specify times when vessels may enter, move within or through, or depart the VTS area. (This may be accomplished through a forum of "Standing Orders" or other means as the COTP deems appropriate consistent with the guidelines laid out in chapter 1 of this volume.) The VTC should have the authority to direct a vessel in an emergency to slow, stop, anchor, or otherwise proceed to avoid a dangerous situation; however, the master will at all times remain responsible for the safe and prudent maneuvering of the

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4.G.1. (cont'd) vessel. The master may choose to disregard an order to the extent necessary to avoid endangering persons, property, or the environment, and must report all such actions promptly to the VTC.

2. VTS Operating Procedures And Regulations.

- a. Commandant (G-WWM). Commandant (G-WWM), as the VTS Program Manager, is responsible for ensuring VTS procedures and operations are standardized as closely as possible, and remain consistent with Coast Guard vessel traffic management policies and internationally approved guidelines. It is therefore necessary that VTS operating procedures, user manuals, and regulations are reviewed and approved as appropriate by Commandant (G-WWM) prior to publication.
- b. VTS Participation. Participation in Coast Guard operated VTS is generally aimed at those vessels required to comply with the Vessel Bridge-To-Bridge Radiotelephone Act (see section 4.D above). Vessels required, or expected to participate in the VTS will be clearly defined in the applicable VTS regulations, and the individual VTS user manual. VTS commanding officers (CO's) and COTP's should place a high priority on maximizing VTS participation through regular contact with the maritime industry. Participation rate may be defined in broad terms as the percentage of vessels targeted for VTS participation which check-in and avail themselves of any services provided by the VTC. While in most cases this level of participation should enable the watchstander to track a vessel and include it in traffic analysis and advisories, CO's should encourage vessels to fully participate according to the procedures published in the user manual.
- c. VTS Operating Procedures. Each VTS shall publish internal operating procedures for use by VTS watchstanders. These procedures should be approved by the district commander, operational commander, or CO, as decided locally. District commanders shall ensure Commandant (G-WWM) is provided copies of the current operating procedures.
- d. User Manuals. Each VTS shall publish and distribute a user manual. This manual should include at a minimum: a general description of the VTS, its purpose, applicability, and capabilities; chartlets showing area and sector boundaries, and appropriate reporting points; primary and secondary frequencies; and a thorough description of the procedures required for a vessel to participate in the VTS. Regulations applicable to the VTS should be included in an appendix, as should anchorage procedures or regulations, and any other navigational information for the VTS area that may be of interest to participants. The current edition and publication date should be noted.
- e. VTS Regulations. Individual VTS's may be made mandatory by regulations. The issue of mandatory versus voluntary participation may only be decided after a thorough evaluation on a local level and a complete analysis of VTS effectiveness by Commandant (G-WWM). In general, VTS with high user acceptance and participation will result

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4.G.2. e. (cont'd) in a high level of effectiveness, making voluntary participation the preferred approach. Other factors such as legislation requirements, international agreements, and low user acceptance and participation may require regulatory action. Where the district commander feels a change in status is desirable, appropriate recommendations should be forwarded to Commandant (G-WWM) after consultation with established advisory committee's and other maritime interests as appropriate.

f. Changes To VTS Operating Procedures Or Regulations. After establishment of a VTS, changes to VTS operating procedures, user manuals, or regulations may be necessary to fine-tune VTS operations. These changes could be the result of operating experience, increased or decreased port activity, or recommendations from the maritime community or advisory committees. Regulations should only be published after a thorough evaluation of operating procedures. Changes to the regulations should be minimized and be made only when absolutely necessary. A goal of a minimum of 5 years between changes is desirable. The following guidelines shall be adhered to in making changes to VTS operating procedures, user manuals, or regulations:

- (1) As VTS Program Manager, Commandant (G-WWM) is responsible for preparation and processing of VTS regulations. All new regulations and any changes to existing regulations must be processed under the procedures established by the Administrative Procedure Act, 5 U.S.C. 551. Unilateral district or VTS action which may modify existing regulations, or make VTS-related activities mandatory through issuance of Notice to Mariners shall be initiated only after consultation with Commandant (G-WWM) and district legal staff.
- (2) District commanders shall ensure copies of changes to the VTS operating procedures and revised user manuals are forwarded to Commandant (G-WWM) as soon as they are approved.

3. Operations.

a. General. Operation of the VTS shall conform to applicable federal regulations, district commander's or COTP's Orders, and shall be consistent with the goals, objectives, and policies of the VTS program. Any apparent conflict between the VTS operating procedures and legal requirements shall be brought to the attention of the district commander for resolution. The VTS is responsible for the safe movement of vessels in its area; to this end, the VTC shall maintain direct communications with every vessel required to, or choosing to, participate in the service. The objective of a VTS is the safe and efficient flow of traffic through a waterway. Other Coast Guard activities (such as SAR coordination, anchorage administration, and ATON surveillance) may be handled through the VTC; this should be done only on a not-to-interfere basis with traffic management operations.

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- 4.G.3. b. Relaying Information. The VTC shall promptly relay all orders from the COTP or district commander to vessels in the area. If the VTC watch supervisor determines the order cannot or should not be followed due to conditions in the waterway, the supervisor shall advise the COTP or district commander of the situation immediately. After evaluating this information, the COTP or district commander shall determine the actions to be taken. The principle that the vessel's master or the pilot controlling the vessel's maneuvers is the final authority for the vessel's safe navigation will not be supplanted or usurped.
4. System Requirements. Commandant (G-WWM) has established basic Specific Operating Requirements (SOR's) for VTS radars, communications, television, computers and the VTC. These SOR's document equipment requirements which are supplemented or modified as necessary for each particular project in the actual Statement of Work (SOW). District commanders responsible for equipment replacement projects should consider these SOR's in project planning. Deviations as necessary should be coordinated with Commandant (G-WWM).
5. System Communications.
- a. General. A vessel movement reporting system (VMRS) is the keystone of any VTS. It consists generally of a VHF-FM radio communications network that permits contact with vessels in the VTS area. Participating vessels provide the VTC with information as to their locations, intended movements, dimensions, cargoes, and conditions that may adversely affect safe navigation (such as discrepancies in aids to navigation and obstructions in the shipping lanes). The CO shall ensure an absolute minimum amount of time is required to provide the necessary exchange of information between the VTC and participants. This will encourage high voluntary participation since masters will need minimal time communicating, or attempting to communicate with the VTS.
- b. Operative Requirements. Vessels participating in a mandatory VTS must maintain a continuous radio watch on the designated VTS frequency while transiting the VTS area. Vessels participating in a voluntary VTS should be encouraged to continuously monitor the designated VTS frequency. Continuous radio guards serve also as a "party line" arrangement in which masters and pilots can readily "pass the word" from the VTC to one another concerning movements of vessels in the area. In waterways where the number of participating vessels is great, the VTS area is sectorized and vessels shift frequencies as they cross sector boundaries. Another way of limiting excessive interference is to provide low level, low power radio sites which limit the range of the VTC's transmissions. This type of system is only effective when system users also limit their transmissions to the lowest possible power setting. Except for those VTS's that use Channel 13 as the designated VTS frequency, Channel 13 is used as a backup for communications between the VTC and a participating vessel. 47 CFR 83.224 relieves vessels in a VTS of the requirement to guard

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- 4.G.5. b. (cont'd) the distress and calling frequency, VHF-FM Channel 16, as long as they are fully participating in the system. The VTC is responsible for informing vessels of information/Local Notice to Mariners transmitted on Channel 16 of interest to VTS participants.

6. Personnel. The Coast Guard has staffed its VTC's with personnel who serve in watch sections on an around-the-clock basis. Personnel may be military, civilian, or a combination of both. Each VTS is staffed with sufficient personnel to staff each watch position assigned in the VTC on a 24-hour a day basis. Required changes in staffing may be coordinated with Headquarters. Sufficient personnel to staff each watch position must be on board at all times.

a. Operational Needs. VTS personnel operate in a stressful environment that demands total concentration. Visitors should be permitted in the operations center only on a not-to-interfere basis. Collocated functions should not normally be imposed upon VTC's; district commanders and COTP's must give careful consideration to the impact of other operational requirements upon VTS personnel.

b. Civilian Personnel. VTS civilian watchstanders have been classified at the GS-11 level for supervisor, and GS-9 level for operators. While civilians may be hired at grade levels less than GS-11 and GS-9 based on individual qualification levels, provisions must be made for these employees to reach the GS-9 or GS-11 level (as appropriate) as their qualifications level increases without having to recompute. In those VTC's with civilian personnel, care must be exercised to evenly balance overtime use of military and civilian personnel to cover short-term staffing deficiencies, such as leave or turnover. Workload will be evenly distributed between military and civilian personnel. Due to the inherent safety responsibilities of the VTS, district commanders must place the highest priority on hiring of civilian watchstanders to minimize the duration of vacancies.

7. Statistics Gathering.

a. Standardized Statistical Data. Each VTS is required to gather standardized statistical information for program documentation, planning, and analysis. A minimum of five categories of information are required:

- (1) Transit Statistics. Information on the vessel movements within a VTS area specifying vessel type and type of movement. Vessel types are defined as tanker (any self-propelled vessel carrying oil or hazardous materials in bulk as cargo or residual), cargo (bulk dry cargo, container, break-bulk, carriers, roll-on roll-off (RORO), lighter aboard ship (LASH), etc.), tug without tow (participants only), tug with tow (any number of barges unless it requires special VTS handling), ferries (calculated or counted), miscellaneous (naval vessels and all other VTS participating vessels that are not classified in another category). Transits are defined in three categories. These are:

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4.G.7.(1)

- (a) Transits. Vessel movements into or out of the VTS area or vessels moving through the VTS area without breaking their voyage within the VTS area.
 - (b) Intra-VTS Transits. Vessel movements from anchorage outside a port area to berth, or the reverse; or movements from one port area to another port area within a VTS's given area of responsibility. An example of an intra-VTS transit would be a vessel movement from Seattle to Tacoma. This is a movement from one distinct port to another in the VTS area.
 - (c) Port Movements. Vessel movements solely within the geographic confines of one port area within a VTS area.
- (2) Participation Rate. See definition in subparagraph 4.G.2.b above.
 - (3) Secondary Functions. Information dealing with associated functions performed in support of other Coast Guard programs, and in support of federal and non-federal government agencies.
 - (4) Equipment Status. Information gathered to monitor VTS equipment in relation to the VTS Program availability standard. A minimum percentage of on-air time is required for radars, television, relay systems, VHF-FM communications, and data processing systems.
 - (5) Casualty Data. A short description of all collisions, rammings, and groundings in a VTS area.
- b. Subjective Data. In addition to the standardized statistical data, subjective data is also required. Information on "near misses," instances where more sophisticated VTS equipment or procedures may have helped prevent a casualty, and other instances that in the opinion of the VTS CO may help support the VTS program, should also be included in the quarterly report.
 - c. Reporting Requirements. The statistical and subjective data will be gathered and reported on a quarterly basis to Commandant (G-WWM) within 30 days of the end of the quarter. The statistics may be transmitted by electronic means to be used in development of the VTS National Data Base. VTS units will be allowed access to this data base on request. The statistical categories and parameters will be reviewed for adjustment on a yearly basis. The revisions will be provided to each VTS one quarter before any change is required. This system is designed to allow free exchange of statistical data between Headquarters, districts, and VTS units.
- 8. VTS Support Of Other Coast Guard And Government Activities. The primary goal of the VTS Program is to prevent vessel collisions, rammings, and groundings. The VTS, however, is capable of performing numerous other functions in support of other Coast Guard and government activities. While this support is encouraged, district commanders should carefully

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4.G.8. (cont'd) consider the impact of these operations on vessel safety in the VTS area. During the planning process for new or replacement equipment, district commanders should consider equipment needs for these other activities which may exceed those necessary to carry out VTS responsibilities. Additional capabilities are more efficiently included as part of a routine equipment replacement rather than retrofitting after the fact.

- a. Maritime Defense Zone (MDZ). VTS's have the capabilities to perform several tasks relative to mobilization. Each VTS is, or will be, equipped with extensive surveillance capabilities including radar and low-light level closed circuit television (CCTV), an extensive VHF-FM communications system, and a large command center. VTS can perform:
 - (1) Surveillance of critical facilities, including terminals and bridges.
 - (2) Surveillance of security zones, and vessels carrying critical mobilization related equipment and personnel.
 - (3) Offshore surveillance.
 - (4) Vectoring of SAR, surveillance, and interdiction vessels and aircraft.
 - (5) As command center for MDZ sectors and/or sub-sectors, collocating Naval Control of Shipping, Fishing Vessel Control, Military Traffic Management Command (MTMC), Military Sealift Command (MSC), and other MDZ-related activities.
 - (6) COTP's and district commanders should consider these capabilities in development of their MDZ operation plans (OPLANS).
- b. SAR And Maritime Law Enforcement (MLE). Extensive surveillance and VHF communication capabilities provide mission coordinators with a valuable tool to assist in SAR and MLE activities. Use of the VTS may significantly reduce boat and aircraft search time in some cases, and provide surveillance capability during routine and other MLE activities.
- c. Aids To Navigation And Anchorage Administration. The VTS frequently receives notices of ATON discrepancies, and has the capability to monitor ATON positioning and anchorage areas. Procedures should be established to report ATON discrepancies expeditiously to the appropriate ATON facility. The VTS may also assist the COTP in anchorage management, particularly in ensuring vessels are monitored for dragging anchor.

CHAPTER 5.
CONTROL OF OCEAN DUMPING

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CHAPTER 5. CONTROL OF OCEAN DUMPING

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CHAPTER 5. CONTROL OF OCEAN DUMPING

- A. Ocean Dumping Authority. Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), 33 U.S.C. 1401 et seq., prohibits, with certain exceptions, the dumping or transportation for dumping of "materials" into ocean waters without a permit. MPRSA, as amended, implements the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972, referred to as the London Dumping Convention, to which the U.S. is a party.
- B. Federal Responsibilities. The Ocean Dumping Program is primarily the responsibility of the Environmental Protection Agency (EPA), which issues permits for ocean disposal. EPA regulations for ocean dumping are in 40 CFR 220 et seq. Permits for the dumping of dredged materials are issued by the U.S. Army Corps of Engineers (USACE). USACE regulations related to dredging and dumping are found in 33 CFR 323 for discharges of dredged or fill material into waters of the U.S., and 33 CFR 324 for ocean dumping of dredged material. Federal projects involving disposal of dredged material are covered by 33 CFR 209.145. Section 107(c) of the MPRSA, 33 U.S.C. 1417(c), assigns to the Secretary of the Department in which Coast Guard is operating responsibility for surveillance and other enforcement activities to prevent unlawful dumping or transportation of materials for dumping. This responsibility has been delegated to the Commandant under 49 CFR 1.46(n)(5).
- C. Ocean Dumping Permits.
1. General Permits. General permits are authorized by the Administrator of the EPA for materials that are determined to have a minimal environmental impact; that is, for nontoxic materials generally disposed of in small quantities (see 40 CFR 221 and 229). Examples of general permits include those issued for burials at sea, the sinking of U.S. Navy target vessels, and the disposal of vessels in the ocean. General permits are published in the Federal Register; they specify the types and amounts of materials which may be dumped, the designated dump areas, and other conditions deemed appropriate by the EPA. These permits are valid for an indefinite period of time.
 2. Special Permits. Special permits are issued to specific applicants and have fixed expiration dates. Any person desiring to dump material (with the exception of fish wastes in certain areas and any materials covered by a general permit) or to transport material from the U.S. for ocean dumping must first obtain a special permit from the EPA or USACE, as specified in the MPRSA. Emergency, interim, and research permits are variations of special permits. Permit categories are defined in EPA's Ocean Dumping Regulations (40 CFR 220.2). A special permit may be issued to an applicant after evaluation of the need, the effect on the environment, and alternative disposal methods. Permits will specify the type and quantity of material authorized to be dumped, the site, disposal criteria such as the distance to be traversed during the discharge, the permit expiration date, and other appropriate conditions. Approved dump sites are listed in EPA's Ocean Dumping Regulations (40 CFR 228).

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- 5.C.3. Statements Of Findings. Statements of Findings are issued by the USACE to authorize ocean dumping of dredged material associated with federal navigation projects. These activities may be conducted by either USACE or contract vessels.
- D. Review Of Permit Applications. EPA and USACE regulations require copies of public notices regarding ocean dumping applications to be forwarded to the appropriate Coast Guard district. The district commander will review the notices, and may request the imposition of additional provisions/conditions on the permit, to facilitate surveillance and enforcement activities. Examples of such conditions are: use of specific navigation techniques, forwarding of certain vessel logs or records to the Coast Guard, requirement to communicate vessel movement and activities, shiprider requirements, and restrictions of nighttime operations.
- E. Surveillance Of Ocean Dumping.
1. Surveillance. For the purposes of implementing the MPRSA, "surveillance" includes all activities necessary to ensure that ocean dumping is in accordance with the requirements of the MPRSA and other appropriate laws and regulations, and with the terms of the permit issued pursuant to the act.
 - a. Program Oversight. District commanders shall issue appropriate guidance to field units directly engaged in ocean dumping surveillance, specifying the location and primary use of active dump sites and other guidance as necessary. The EPA provides Coast Guard units directly engaged in surveillance and enforcement with copies of permits and Statements of Findings for their area of operation. Tabular summaries containing vessel name, authorized materials, dump site location, expiration date, dispersal rates, and other appropriate information may be substituted in lieu of actual permits.
 - b. Scope Of Coast Guard Activities. Coast Guard surveillance activities include: checking the validity of permits; verifying vessel logs, permits, and waste documentation; obtaining radio reports of dump vessel position and activity; observing transportation routes and disposal sites; escorting or riding of dump vessels; monitoring dumping activities; and utilizing electronic methods such as radar. The degree of Coast Guard involvement will depend upon the type(s) of material dumped. "Surveillance" of ocean dumping is not restricted to dedicated observations, to specific ocean disposal activities, or to a designated dump site. Any Coast Guard unit that observes a suspected violation shall report it to the district commander (m) for evaluation/investigation. The dump vessel's movements to and from the site are of equal and possibly greater concern. Random surveillance should be conducted to discourage illegal dumping, dumping without a permit, dumping not in accordance with valid permits, or dumping at other than the sites authorized on the permits. No dedicated surveillance missions are presently anticipated for the enforcement of general permits.

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5.E.1. c. Surveillance Methods. Surveillance will be accomplished utilizing one of the following methods, based on practicality and resource availability:

- (1) Assignment of a vessel/aircraft to rendezvous with the transporting vessel at the dump site, or escort the vessel to the dump site;
- (2) Surveillance of dump vessel routes or dump sites by vessel/aircraft in response to specific or frequent disposal activity;
- (3) Assignment of a shiprider to ride the dump vessel to the dump site;
- (4) On-site boarding of vessels;
- (5) Radar coverage of the dump site; or
- (6) Other electronic means which may be developed.

d. Surveillance By Shipriders.

- (1) General. Shipriders are generally a more effective means of surveillance, particularly when night dumping is authorized or when distant dump sites are used. Shipriders are Coast Guard officers or petty officers who act as observers of dumping activities. They neither make changes to the provisions of the dumping permits nor direct the actions of the permittee in any way. They may, however, explain applicable provisions of the permit and the regulations. A shiprider must have a working knowledge of the Ocean Dumping Program, specific knowledge of the provisions of the permit, and the ability to verify the dump location utilizing the vessel's navigation equipment. While aboard for a dumping mission, the shiprider receives quarters and subsistence from the permittee.
- (2) Shiprider Duties. Prior to departure, the shiprider shall verify the presence of a valid permit and, if requested by EPA, oversee the drawing of a sample of the material to be dumped. The shiprider will confer with the vessel operator, explain the surveillance mission and the navigational requirements, and become familiar with the vessel's capabilities and procedures to comply with required dispersal rates. Dispersal rates are specified for most materials. Dispersal rates can be computed through such factors as load volume/weight, actual discharge time, and vessel speed. Failure to meet the stipulated dispersal rate shall be reported as a violation, regardless of other compliance with the permit conditions.

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5.E.1. e. Vessel Boardings. Dump vessels will be boarded to examine: permits, waste manifests, and waste composition reports; navigational equipment, ocean dumping logs, and pollution prevention equipment; and vessel logs and records in accordance with Commandant Instructions (COMDTINST's) 5010.8 Series and M16250.26. Boardings will normally be conducted in port and can be combined with other activities, such as shiprider missions and obtaining dump material samples.

f. Sampling Guidelines.

(1) General. Materials required to be disposed of at EPA's chemical and industrial waste disposal sites are defined herein as Category "A" materials. All other materials, other than those not requiring permits, those prohibited from dumping, those disposed of under general permits, and dredged materials authorized under a USACE State of Findings, except in the New York and San Francisco areas, are defined herein as Category "B" materials. Most EPA permits for Category "A" (and some permits for Category "B") dumping activities require an analysis of a representative sample of each individual load. Other permits call for analysis at intervals ranging from monthly to semiannually, depending on the specific permit. Since the majority of permits authorize the mixing of materials destined for the same disposal site, the EPA has, in most areas, established a program of spot sampling of the materials under individual permits, prior to mixing. This sampling effort is frequently conducted of individual tank truckloads prior to loading into the shoreside holding tank at the port of departure.

(2) Interagency Coordination. The district commander should confer with the EPA regional administrator and, where the EPA has established a sampling program, develop practical procedures for Coast Guard officials to assist in this effort. Such procedures normally call for the sample to be drawn by facility personnel, in the presence of a Coast Guard official, and presented to that official properly packaged and documented. Additional coordination factors include certification of the samples, means of delivering samples to the appropriate laboratory for analysis, and special permit conditions that might be required. This sampling program is limited to EPA-permitted dumping of non-containerized wastes. Coast Guard personnel shall not draw samples.

g. Frequency Of Surveillance. In addition to the criteria described in subparagraph 5.E.1.f above, surveillance goals are:

- (1) 75 percent of Category "A" ocean disposal activities.
- (2) 10 percent of Category "B" ocean disposal activities.
- (3) Each dump for which the EPA or USACE has specifically requested surveillance.

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5.E.2. Monitoring Of Ocean Dump Sites. For the purpose of implementing the MPRSA, "monitoring" includes the collection of data to determine long- and short-term effects of ocean dumping on the marine ecosystem (such as the toxic effects of pollutants), and the physical/chemical interactions of dumped material in the marine environment. The EPA directs laboratory-oriented efforts; the National Oceanic and Atmospheric Administration (NOAA) directs ocean survey activities; and the USACE directs research on the effects of dredged materials disposal. These and other agencies may request Coast Guard assistance in monitoring the effects of ocean dumping and other changes to the ocean ecosystem. As availability of resources permits, district commanders may provide such support as sample-taking, site overflights, or the transporting of personnel to the disposal site or dump vessel.

F. Ocean Dumping Enforcement.

1. Recording Ocean Dumpings. The EPA regulations require the holder of any dumping permit to record specific information concerning disposal activities. This information is to be available for inspection by the EPA Administrator, the Commandant of the Coast Guard, or their designees. The intent of these requirements is to ensure that dumping activities are conducted within the limitations of the ocean dumping permit. While boarding officers are checking the dumping permit and the vessel's navigational equipment, they shall check the vessel's dumping records to confirm that the following information is recorded:
 - a. The physical and chemical characteristics of the materials dumped under the authority of the permit;
 - b. The precise times and locations of dumping; and
 - c. Other information required as a condition of the permit by the EPA Administrator or the regional administrator.
2. Reports Of Violations. Under the authority of Section 107(c) of the MPRSA, information concerning violations of the act, regulations promulgated thereunder, and conditions imposed by the permit shall be submitted to the district commander (m) for review. The report shall then be forwarded to the appropriate EPA regional administrator for action. Information copies shall be forwarded to Commandant (G-WPE). Where circumstances involve licensed or certificated personnel, an investigation should be conducted in accordance with volume V of this manual.
 - a. Documentation Of Alleged Violations. Suspected violations should be documented to the maximum extent possible. Generally, the provisions of volume V of this manual shall be followed. Evidence should include statements from witnesses, photographs, samples, applicable message traffic, and communication log extracts. If samples are taken, they should include samples from the vessel's discharge wake, unpolluted water in its vicinity, and from the vessel's cargo. Samples should be handled, stored, and accounted for in accordance with the guidelines outlined in volume V of this manual.

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- 5.F.2. b. Operational Waste Disposal. The ocean disposal of ship-generated operational wastes such as trash, garbage, dunnage, or packing material is considered ocean dumping under the provisions of the MPRSA only when the material is taken on board for the express purpose of dumping at sea or from outside the U.S. and discharged into the territorial sea or the contiguous zone of the U.S. to the extent that it "may" affect the territorial sea or territory of the U.S. (see 33 U.S.C. 1411(b)). For reporting purposes, all such operational discharges in the contiguous zone have the potential of affecting the territorial sea and therefore meet this stipulation. Inbound foreign vessels discharging such material in the contiguous zone shall be considered probable ocean dumping violators and shall be investigated to the fullest extent possible. Any discharge of dunnage or packing materials by foreign vessels into the territorial sea or the contiguous zone will be treated in the same manner, regardless of the vessel's direction of travel. The operational discharge of trash, garbage, dunnage, or packing materials by any vessel into the navigable waters of the U.S. or tributaries thereof is a reportable violation of the Refuse Act (33 U.S.C. 407). This authority may be utilized in situations in which an ocean dumping violation cannot be substantiated. The U.S. Department of Agriculture (USDA) plant and animal pest regulations prohibit the disposal of garbage from vessels in foreign trade into U.S. territorial waters. In addition to other action that may be taken (such as referral to a U.S. attorney for prosecution under the Refuse Act, or to the EPA for an ocean dumping violation), Coast Guard personnel aware of a possible violation should notify the nearest office of USDA's Animal and Plant Health Inspection Service (APHIS). APHIS inspectors are located in most major seaports.
3. Quarterly Ocean Dumping Reports. Quarterly summaries of ocean dumping activities are required for Coast Guard program review. District commanders shall submit the quarterly Ocean Dumping Activities Report (RCS-G-WPE-14017) to Commandant (G-WPE-1) within 30 days of the end of the reporting period. Figure 5-1 lists the required information in a format which may be duplicated for transmittal to the Commandant. Negative reports are not required.
4. Interagency Agreements. Figure 5-2 reprints the interagency agreement between the USACE and the Coast Guard regarding surveillance of USACE contract vessels engaged in ocean dumping operations under Statements of Finding. The Coast Guard will not provide surveillance of USACE vessels, except in response to a specific request or report of violation; however, USACE vessels are subject to periodic observation by Coast Guard patrols. With the exception of activities in the New York and San Francisco areas (the only two areas where the USACE has continuous contract dumping), dedicated surveillance of USACE contract activities will only be conducted in response to specific USACE requests and reported on the quarterly Ocean Dumping Activities Report. A USACE-permitted activity which is not associated with a Federal Navigation Project and authorized under an ocean dumping permit is classed as a Category "B" activity. Vessels carrying such materials should be observed and boarded as prescribed in section 5.E above.

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FIGURE 5-1

REQUIRED DATA FOR OCEAN DUMPING REPORTS

DISTRICT _____
 OCEAN DUMPING SURVEILLANCE REPORT¹
 FOR QUARTER ENDING _____

RCS-G-WPE-14017

CATEGORY A MATERIALS

UNIT							TOTAL	
	#	HRS	#	HRS	#	HRS	#	SUR %
DUMPS	---	XXX ²	---	XXX	---	XXX	---	XXX
VIOLATIONS	---	XXX	---	XXX	---	XXX	---	XXX
DUMP OPS SUR ³	---	XXX	---	XXX	---	XXX	---	XXX
SURVEILLANCE ⁴								
Vessel	---	---	---	---	---	---	---	---
Aircraft	---	---	---	---	---	---	---	---
Shiprider ⁵	---	---	---	---	---	---	---	---
Radar	---	---	---	---	---	---	---	---
ODSS	---	---	---	---	---	---	---	---
Reports ⁶	---	---	---	---	---	---	---	XXX
Samples	---	---	---	---	---	---	---	XXX
Boardings	---	---	---	---	---	---	---	XXX
Subtotal	---	---	---	---	---	---	---	---

CATEGORY B MATERIALS

DUMPS ⁷	---	XXX	---	XXX	---	XXX	---	XXX
VIOLATIONS	---	XXX	---	XXX	---	XXX	---	XXX
DUMP OPS SUR ³	---	XXX	---	XXX	---	XXX	---	XXX
SURVEILLANCE ⁴								
Vessel	---	---	---	---	---	---	---	---
Aircraft	---	---	---	---	---	---	---	---
Shiprider ⁵	---	---	---	---	---	---	---	---
Radar	---	---	---	---	---	---	---	---
ODSS	---	---	---	---	---	---	---	---
Reports ⁶	---	---	---	---	---	---	---	XXX
Samples	---	---	---	---	---	---	---	XXX
Boardings	---	---	---	---	---	---	---	XXX
Subtotal	---	---	---	---	---	---	---	---

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FIGURE 5-1 (cont'd)

INCINERATION SHIP ACTIVITIES

UNIT							TOTAL	
	#	HRS	#	HRS	#	HRS	#	HRS SUR %
INCINERATIONS	---	XXX	---	XXX	---	XXX	---	XXX
VIOLATIONS	---	XXX	---	XXX	---	XXX	---	XXX
DUMP OPS SUR ³	---	XXX	---	XXX	---	XXX	---	XXX
SURVEILLANCE ⁴								
Loading	---	---	---	---	---	---	---	---
Vessel ⁸	---	---	---	---	---	---	---	---
Aircraft	---	---	---	---	---	---	---	---
Shiprider ⁴	---	---	---	---	---	---	---	---
Radar	---	---	---	---	---	---	---	---
ODSS	---	---	---	---	---	---	---	---
Reports ⁵	---	---	---	---	---	---	---	XXX
Samples	---	---	---	---	---	---	---	XXX
Boardings	---	---	---	---	---	---	---	XXX
Facility ⁹	---	---	---	---	---	---	---	---
Subtotal	---	---	---	---	---	---	---	---
Support								
Unit								
Man	XX	---	XX	---	XX	---	XXX	XXX
Vehicle	XX	---	XX	---	XX	---	XXX	XXX
Admin.	XX	---	XX	---	XX	---	XXX	XXX
District	XX	---	XX	---	XX	---	XXX	XXX
Subtotal	XX	---	XX	---	XX	---	XXX	XXX
TOTAL	---	---	---	---	---	---	---	XXX
(Subtotals)	---	---	---	---	---	---	---	---

DUMP SITE ACTIVITY

<u>Dump Site Title Or Location</u>	<u>Material</u>	<u>Number Of Dumps</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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FIGURE 5-1 (cont'd)

FOOTNOTES

1. Report total hours on Port and Environmental Safety (PES)/Marine Environmental Response (MER) Quarterly Activities Report (QAR), Form CG-4957, under "Other Activities," in the Section "Additional Work Hours." If no activities take place in Category A, Category B, or Incinerator Ship sections, then the entire section should be left blank.
2. Underlined spaces containing X's indicate that no data is required.
3. The objective of the Dump/Incineration Operations Surveillance line data is to prevent double counting of surveillance. For example, if a vessel during a dumping operation has surveillance provided by radar, shiprider, and an aircraft, this would be recorded as one (1) under the Dumping/Incineration Operations Surveillance line item. To obtain percent surveillance, divide the total number of individual dumping/incineration operations by the total number of dumps/incinerations.
4. The subtotal percent surveillance in this section may exceed the Dumps/Incineration Operations Surveillance percentage because the dumps/incinerations may be covered by more than one type of surveillance.
5. Shipriders making a boarding inspection will include their boarding inspection time under Boardings.
6. Radio and telephone reports of dumping activities (e.g., departure reports).
7. CCGD3 and CCGD12 will include USACE contract vessel dumps for disposal of dredged material from San Francisco and New York as per Memorandum of Agreement (MOA) with U.S. Army Corps of Engineers of 7 September 1976.
8. This includes Coast Guard Cutter escort trips and hours and number of trips and hours expended by Coast Guard Cutter assigned to meet incineration vessel at incinerator site to observe incineration operations.
9. Inspection of facility.

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FIGURE 5-2

INTERAGENCY AGREEMENT BETWEEN THE U.S. ARMY CORPS OF ENGINEERS AND THE U.S. COAST GUARD

ARTICLE I - GENERAL INFORMATION

The U.S. Army Corps of Engineers (COE) and the U.S. Coast Guard (USCG) share surveillance and enforcement responsibilities over federally contracted activities which are associated with Federal Navigation Projects and which entail dredged material disposal operations in ocean waters. Section 107(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 directs the USCG to conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping or unlawful dumping. The COE has a responsibility to insure that its funded activities associated with Federal Navigation Projects are conducted in accordance with contractual specifications. Title 33 CFR 209.145(j) directs district engineers to insure that disposal activity is conducted in conformance with the project plans and procedures expressed in the Statement of Findings.

ARTICLE II - PURPOSE

The parties have entered into this Agreement to promote the effective utilization of their respective resources while engaged in surveillance and enforcement of federally contracted ocean dumping activities associated with Federal Navigation Projects

ARTICLE III - CAPABILITIES

The USCG has multi-mission resources deployed throughout the coastal region which engage in ocean dumping surveillance and other marine-related activities and which have been directed to report all suspicious ocean dumping activities. Operations permitting, these resources are available to investigate specific activities as directed.

The COE, as the agency responsible for Federal Navigation Projects, engages in surveillance efforts to insure that contract dumping is conducted in conformance with the project plans and procedures expressed in the Statement of Findings. The COE has specific knowledge as to the location, extent, and types of activities which involve ocean dumping of dredged material, and as to past performance records of contractors engaged in these activities. Thus, the COE is best able to direct a multi-agency ocean dumping surveillance and enforcement effort over these activities.

ARTICLE IV - RESPONSIBILITIES

The COE and the USCG will work in close cooperation with respect to surveillance and enforcement activities over contractors engaged in the disposal of dredged material in ocean waters associated with Federal Navigation Projects; however, the COE recognizes that it has the primary surveillance and enforcement responsibility over these activities.

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FIGURE 5-2 (cont'd)

The COE will direct the surveillance effort over COE contract dumpers engaged in ocean disposal activities.

The COE will conduct surveillance over COE contract dumpers engaged in ocean disposal activities and may augment this effort with available USCG resources.

The USCG will continue its surveillance efforts over COE contract barges engaged in ocean dumping in New York and San Francisco areas.

To facilitate optimum scheduling, the COE will notify the USCG in a timely manner of the COE's desires for specific surveillance missions. Requests will identify the geographical area, time of surveillance, and other specifics as may be needed to conduct an effective surveillance operation.

The USCG will, operations permitting, respond to requests from the COE for surveillance missions to oversee specific COE contract dumping activity.

The USCG will notify the COE of the results of any specifically requested surveillance missions.

While engaged in its various mission activities, the USCG will continue to be on the alert for suspicious ocean dumping operations.

ARTICLE V - BUDGETARY RESPONSIBILITIES

Each agency will fund all costs it incurs under this Agreement. Additionally, agreements that involve fund reimbursement in connection with specific activities may be entered into before the activity is undertaken.

ARTICLE VI - AMENDMENTS

This Agreement may be amended from time to time as may be mutually agreeable to the parties thereto.

ARTICLE VII - TERMINATION

This Agreement may be terminated by either party upon 60 days advance written notice thereof to the other party.

Done this Seventh day of September, 1976, at the City of Washington.

For the U. S. Army Corps of Engineers:

Signed by:
ERNEST GRAVES
MG, U.S. ARMY
DIRECTOR OF CIVIL WORKS

For the U. S. Coast Guard:

Signed by:
ROBERT H. SCARBOROUGH
RADM, U.S. COAST GUARD
CHIEF OF STAFF

**CHAPTER 6.
CONTINGENCY PLANNING FOR
EMERGENCY RESPONSE**



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CHAPTER 6. CONTINGENCY PLANNING FOR EMERGENCY RESPONSE

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CHAPTER 6. CONTINGENCY PLANNING FOR EMERGENCY RESPONSE

A. National Emergency Response Planning.

1. Authority. Much of the Coast Guard's authority for prevention, enforcement, and response to discharges of oil and hazardous substances, the general safety of our ports and waterways, and the transportation of hazardous materials has been delegated by the Secretary of the Department of Transportation (SECDOT).
2. Plan Development. With this authority comes the responsibility for the captain of the port (COTP) to make decisions affecting the safety and security of vessels, waterfront facilities, or the environment. Consideration must be given to additional liabilities or responsibilities which the Coast Guard may incur as a result of response activities. For example, a decision to allow a vessel which is afire or flooding to enter port, subject to certain conditions, requires the COTP to ensure conditions for entry are met. If they are not met, or if activities adversely affect the safety of the vessel, or a waterfront facility or the environment, the COTP must ensure that positive, adequate action is taken to resolve the situation. The COTP should carefully evaluate the capabilities of involved parties (including the Coast Guard) to perform required tasks before making response decisions, and closely monitor response activities during their critical stages. For further information, see volume VII (TO BE DEVELOPED) of this manual.
3. Required Plans. A COTP should have plans for emergencies which fall into two categories: those having a relatively high probability of occurring (e.g., an oil spill); and those which, while having a low probability of occurring, would cause a high level of damage to persons or property (e.g., liquefied natural gas (LNG) in a port which handles LNG vessels). COTP's should have the following plans:
 - a. Oil and hazardous substance spill response (see 40 CFR 300);
 - b. Maritime counter-terrorism (see volume VII (TO BE DEVELOPED) of this manual);
 - c. Vessel and waterfront fire (see chapter 8 of this volume);
 - d. Natural disaster (see Natural Disaster Preparedness Plan (NDPP), CG-368-2);
 - e. Civil disorder (see Civil Disturbance Preparedness Plan (CDPP), CG-368-1, and volume VII (TO BE DEVELOPED) of this manual); and
 - f. Appropriate mobilization plans as required to support superior plans or those ordered by the Commandant and/or Maritime Defense Zone (MDZ) Commanders.

COTP's should also have plans as dictated by local conditions. These may be incorporated into a general "Port Emergency Response Plan" which could

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- 6.A.3. (cont'd) include the vessel and waterfront fires response plan. Examples of locally-required plans include LNG, aircraft crash, and vessel collision and/or grounding. COTP's may also write operation orders (OPORDER's) in response to a specific incident for a specific time period (see volume VII (TO BE DEVELOPED) of this manual). OPORDER examples include seasonal icebreaking operations and arrival of nuclear submarines.

B. Regional/Local Contingency Planning.

1. Introduction. A contingency plan enables decision makers to take expeditious and predictable actions to prevent or mitigate potentially disastrous conditions. Contingency planning does not replace good judgment and experience in an emergency; however, it augments those qualities significantly. It allows the COTP to use efficiently all readily available resources and authorities to counter or avoid potentially severe threats to the safety and security of port operations. Such plans should contain valuable information or procedures that may not be immediately apparent, such as:
 - a. Operational and inspection procedures for such activities as transits of vessels carrying LNG and cargo transfer operations;
 - b. Agencies and organizations to notify or to provide assistance during an incident (e.g., assistance from pilot associations would be critical in situations requiring vessel movements);
 - c. Background information on waterfront facilities and vulnerable resources (maps showing facility characteristics, listings of 24-hour phone numbers, key personnel); and
 - d. Contacts in other federal, state, and local authorities, and the media.
2. Basic Planning For Pollution Response.
 - a. Introduction. The need for the development of comprehensive federal regional contingency plans (RCP's) has been recognized for some time. As experience was gained concerning the effectiveness of these plans, it was realized that more detailed planning was required at the local level to facilitate successful pollution response operations. The result was the establishment of a requirement for the development of federal local contingency plans (LCP's) by each Coast Guard predesignated on-scene coordinator (OSC). The detailed LCP's, containing specific information on the local response resources, response organization, and other considerations are supported by a more general RCP. The RCP provides guidance on how an OSC can obtain assistance from within the region for those incidents beyond the capability of an LCP.
 - b. Content For RCP's. Section 300.42 of the National Contingency Plan (NCP) requires that an RCP be developed and maintained for each standard federal region, Alaska, and the Caribbean. As co-chairperson of the standing Regional Response Team (RRT), the district (m) officer

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6.B.2. b. (cont'd) is responsible for coordinating Coast Guard input to the RCP. RCP's should be more than a simple reiteration of what is stated in the NCP. The content of an RCP is intended to implement the NCP within a region and accomplish all of the coordination necessary for an effective multi-organizational response effort in support of the region's OSC's. Particular attention should be paid to including information on those types of services that an OSC typically requests from an RRT, such as:

- (1) Assistance in locating appropriate disposal sites.
- (2) Access to barges and other vessels for response-related salvage operations.
- (3) Assistance in making environmental damage assessments.
- (4) Access to aircraft or trucks with a heavy lift capability.
- (5) Coordination of waterfowl conservation efforts.
- (6) Identification and prioritization of natural resources requiring protection.
- (7) Provision of forecasting services, including weather, currents, and pollutant movement predictions.

The information in an RCP should also be coordinated with any existing state contingency plans and federal LCP's.

c. Format For RCP's. Although the format for RCP's is not as important as the content, it is recognized that there is a need for uniformity in format among the various plans. Because the responsibility for developing these plans is jointly shared by the Environmental Protection Agency (EPA) and the Coast Guard, section 300.42 indicates that RRT's will follow the format of the NCP to the greatest extent possible.

d. Content For LCP's. Section 300.43 of the NCP requires that a federal LCP be developed for each area where the Coast Guard acts as the predesignated OSC. Detailed, extensive contingency planning by each OSC is considered essential for well-coordinated responses to pollution incidents.

- (1) The main objectives of an LCP should be to:
 - (a) Identify, through a hazard analysis, probable locations of discharges or releases.
 - (b) Develop effective systems for discovering and reporting pollution incidents.

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- 6.B.2.d.(1)
- (c) Institute prompt and effective actions to restrict the spread of pollutants.
 - (d) Ensure that the public health and welfare are adequately protected.
 - (e) Minimize damage to wildlife and the environment from oil and hazardous substance incidents.
 - (f) Provide techniques for removal and locations for the disposal of collected pollutants.
 - (g) Identify government, commercial, and industry resources capable of responding to pollution incidents and lending expertise to the OSC in specific areas (e.g., analytical support, medical expertise, evacuation, cleanup methods).
 - (h) Identify available equipment for removal operations and logistical support.
 - (i) Identify procedures for initiating actions for the recovery of cleanup costs and performance of enforcement actions as necessary.
- (2) The first step in accomplishing these objectives in an LCP is to identify potential sources of spills within the OSC's zone. This can be done by determining what types of products are produced, used, stored, or transported in the area; examining historical spill data; and by locating, as a minimum:
- (a) High density vessel traffic areas.
 - (b) Restricted navigational areas (RNA's).
 - (c) Hazards to navigation.
 - (d) Waterfront facilities.
 - (e) Storage facilities.
 - (f) Production facilities.
 - (g) Pipelines.
 - (h) Refineries and processing plants.
 - (i) Outfalls, municipal sewers, and storm drains.
 - (j) Railways and highways within the OSC's zone.

This information, coupled with a review of local meteorological conditions, winds, waves, tides, oceanographic patterns, and

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- 6.B.2.d. (2) (cont'd) other related parameters will enable an OSC to determine potential sources and the most likely places of occurrence for spills.
- (3) The next step is to develop estimates of the size of the areas that would be affected by "worst case" incidents, as well as those more commonly encountered. This may be accomplished in a number of ways. Manual III of the Chemical Hazardous Response Information System (CHRIS), the Hazard Assessment Handbook, Commandant Instruction (COMDTINST) M16465.13, and the pollutant spill trajectory forecasting service available through the Coast Guard National Response Center may prove useful. In assessing these hazards, the OSC should take into account factors such as the volatility, reactivity, toxicity of the material and the proximity to populated or environmentally sensitive areas.
- (4) Once this is completed, it is necessary to identify those public health and environmental resources that would be threatened, and to what extent they would be jeopardized, should one of the possible incidents occur. A survey of each potentially threatened area is required to identify high public health risks such as heavily populated areas, schools, and hospitals; and environmentally sensitive resources such as marine sanctuaries, estuaries, mangroves, wildlife concentration areas, beaches, and water intakes.
- (5) The information assembled to this point has:
- (a) Established potential sources of spills.
 - (b) Identified where the incidents are most likely to occur.
 - (c) Estimated the size of the areas which would be affected for a worst case situation and the more likely types of incidents that may happen.
 - (d) Identified the types of public health and environmental hazards that would result.
- (6) Once this is completed, the unit may want to develop action plans for high risk areas or for certain chemicals. These action plans should cover the characteristics and hazards of the material, potential sources of spills, likely or worst case spill scenarios, areas at risk, and response actions to be carried out.
- (7) The final step is the development of a data base of response resources available to the OSC. It is considered most important for each OSC to periodically meet with any persons or organizations which might provide assistance during a spill. This will allow the OSC to better ascertain/update what type and amount of assistance can be reasonably expected. It will also help to establish a rapport with other response organizations,

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- 6.B.2.d. (7) (cont'd) which should prove most helpful during an actual incident. In addition to inventories of equipment and contact point listings, the logistical considerations of utilizing these resources should be addressed. For example, it is necessary to establish an effective communications plan for use during pollution incidents. Suggested methods for collecting information for the LCP may be found in COMDTINST M16466.1, A Suggested Development Plan for A Regional Contingency Plan Data Base.
- (8) It is also essential that the LCP be coordinated with any state, local, or industry contingency plans that exist within the OSC's zone. This intergovernmental coordination is an essential element of the contingency planning process.
- e. Format For LCP's. For purposes of uniformity, it is desired that the following format be utilized for all LCP's. Sections in the format which are not applicable can be omitted, but the associated number should be reserved for future use. If additional sections are required, they should be added to the appropriate part using the next sequential number to identify the topic. The suggested format is shown in Figure 6-1.
- f. Coast Guard Involvement In Other Contingency Planning Efforts.
- (1) Review Of Outer Continental Shelf (OCS) Contingency Plans. A Memorandum of Understanding (MOU) requires the Coast Guard to determine the adequacy of oil spill contingency plans submitted to the Minerals Management Service (MMS) as part of OCS Exploration Plans or Development and Production Plans. The OSC for the zone in which the drilling activity will occur is responsible for conducting this review. A regional Technical Review Board (TRB) will assist OSC's in determining the adequacy of these contingency plans. Specifically, the TRB will:
- (a) Advise the OSC on whether response equipment proposed in the contingency plan meets currently accepted state-of-the-art criteria.
 - (b) Advise the OSC on the adequacy of the amounts and types of equipment proposed.
 - (c) Advise the OSC on acceptable response times for local conditions.
 - (d) Keep abreast of developments in response equipment technology and revise state-of-the-art criteria accordingly.
 - (e) Provide OSC's with technical information on equipment proposed by operators.

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FIGURE 6-1

SUGGESTED FORMAT FOR LOCAL POLLUTION CONTINGENCY PLANS

Emergency Response Notification Summary

Letter of Promulgation

Record of Amendments

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FIGURE 6-1 (cont'd)

700. Procedures For Reviewing And Updating The Local Contingency Plan

Annex I	1100 Distribution
Annex II	1200 Pollution Response Bill
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Annex VI	1600 Documentation for Enforcement and Cost Recovery
Annex VII	1700 Funding
Annex VIII	1800 Cleanup Techniques and Policies
Annex IX	1900 Arrangements for Non-Federal Groups
Annex X	2000 Interagency and Intergovernmental Support
Annex XI	2500 Geographic/Action Directory
Annex XII	2600 Response/Assistance Directory

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- 6.B.2.f. (1) (cont'd) The membership of the TRB includes: Coast Guard district commander representative (co-chairperson), MMS Deputy Minerals Manager representative (co-chairperson), appropriate Coast Guard National Strike Force (NSF) commanding officer (CO), EPA Oil and Hazardous Materials Simulated Environmental Testing Tank (OHMSETT) representative, Coast Guard Headquarters Marine Technology Division (Commandant G-DMT) representative, Coast Guard Headquarters Environmental Response Division (Commandant G-WER) representative, and an MMS Headquarters representative. District commanders should establish a regional TRB where appropriate to assist OSC's in reviewing contingency plans.
- (2) Planning Guidelines. OSC's shall consider the following guidelines when evaluating the adequacy of Oil Spill Contingency Plans submitted to MMS for OCS activity:
- (a) Risk Analysis. The contingency plan should contain an analysis which indicates the number and size of spills that could occur during OCS mineral exploration, development, and production operations. The spill trajectory analysis should indicate where an oil spill is likely to flow under the various expected sets of local, seasonal meteorological and oceanographic conditions. Impact areas should be identified and strategies should be fully developed for the protection of potentially vulnerable areas and resources. The depth of detail is flexible, but should be sufficient to assure the OSC that adequate contingency planning has been done.
- (b) Recovery Equipment. The type of recovery equipment and its method of deployment rests entirely with the operator. However, subject to the prevalent conditions identified in the risk analysis, the equipment should be state-of-the-art. Based on previous research and development (R&D) studies, observations, and experiences, currently available state-of-the-art equipment is capable of operating in 8-10 foot seas and 20-knot winds with deployment accomplished in the 5-6 foot range. However, the OSC should be aware that mechanical equipment cannot be expected to perform at optimum efficiencies in all environmental situations. Local conditions such as high energy sea states with short wave lengths, or severe icing, may not allow all of the above operational criteria to be met.
- (c) Equipment Availability. The quantity and capability of the equipment to be made available should be related to the risk analysis. For planning purposes, open water recovery devices typically have a recovery capacity of at least 1,000 barrels/day. A recovery rate of 1,000 barrels/day should therefore be considered appropriate unless the risk analysis suggests a higher spill rate is likely. This recovery rate may be attained from one device or an array of devices which

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- 6.B.2.f.(2)
- (c) (cont'd) would be utilized in concert with each other. The contingency plan should also indicate how additional equipment will be made available for extraordinary spills (i.e., spills that exceed the recovery capacity of the readily available equipment).
 - (d) Response Time. If local conditions or geography permit, the target for initiating recovery operations with pre-staged equipment (i.e., the response time) should be 6 to 12 hours from the time of the spill dependent upon the location and general operating characteristics of the drilling or production activity. Whatever amount of equipment is required to be available for responding to spills should be fully deployed and in operation within the specified response time, weather permitting. The location of staged equipment will be left to the operator. For extraordinary spills, the operator should be expected to obtain additional equipment within 48 hours.
 - (e) Drills. Response exercises for deploying equipment in open water shall occur at least annually to test the equipment and the contingency plan. This exercise should be held under realistic environmental conditions in which deployment and operation can be accomplished without endangering the safety of personnel. In addition, at least one hands-on drill should be conducted annually as part of a training program and may include full deployment conducted in protected waters. Exercises that test the alerting/initial response mechanism and command, control, and communications should be held as frequently as necessary to demonstrate effectiveness to the OSC.
 - (f) Support Vessels. Vessels or vessel types to be used in deploying and operating the response equipment should be identified in the contingency plan. The vessels should be available within the same response time parameters as used for response equipment. The crews of all candidate support vessels should be familiar with equipment deployment and operating techniques; or a system should be developed to supply trained crews/supervisors to the support vessels within the specified response time.
 - (g) Dispersant Equipment. In addition to oil recovery equipment, dispersant equipment should be included in the contingency plan. Equipment capable of applying dispersants should be maintained at appropriate staging points as well as adequate stockpiles of dispersants if they are not readily available from local distributors. The types and toxicities of dispersants proposed for use should be identified in the contingency plan. The quantity and types of dispersants presited should be related to the risk analysis, taking into account dispersant toxicity, oil

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6.B.2.f.(2) (g) (cont'd) composition, and water temperature. The above should not be interpreted as a predilection on the part of government for the use of dispersants, but a recognition that spills may occur when, due to environmental conditions or lack of adequate support resources, mechanical recovery is not possible. The decision to use dispersants would of course be made using the criteria and procedures set forth in Subpart H of the NCP. A response target of 24 hours from the time the spill occurs is appropriate, unless pre-approved contingency plans or streamlined RRT authorization procedures for the use of dispersants are in effect. In this event, the response time may be lessened.

- (3) Review Of Incinerator Ship Contingency Plans. As part of the permitting process for the operation of incinerator ships, EPA requires the permittee to submit a contingency plan that describes the company's plan for responding to accidents involving the vessel or its cargo. EPA has requested that the Coast Guard review the adequacy of these plans before the issuance of a permit. Commandant (G-WER) will coordinate the review of these plans with the appropriate districts, COTP's, and strike teams. Units involved in the plan review will be provided guidance on the review process when comments are solicited by Commandant.

3. Hazardous Materials Operations.

a. Introduction. A large percentage of waterborne cargoes is hazardous in nature. The increasing volume of hazardous material shipments has resulted in increased numbers of casualties resulting from intentional or accidental mishandling of hazardous cargoes in shipment. Much of the nation's population is directly affected by the degree of safety existing in ports and waterways. The potential for loss of life or personal injury, loss of property and the services of our waterways, environmental damage, and threats to our national interest from a casualty involving hazardous materials, is readily apparent. When casualties involving hazardous materials occur, the Coast Guard is authorized to:

- (1) Investigate and study them to determine cause;
- (2) Institute remedial measures through amendment and revision of the regulations to prevent or minimize the chances of recurrence of such casualties; and
- (3) Institute legal action when the circumstances and facts so warrant.

b. Coast Guard Response. It has long been the tradition of the Coast Guard to render all possible assistance in any maritime or marine disaster. Coast Guard district and unit CO's, particularly COTP's, may be called upon to render assistance and guidance to industry or to

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- 6.B.3. b. (cont'd) local, state, or federal agencies. In the event of an incident involving hazardous materials affecting a vessel, a port, or the environment, the Coast Guard undoubtedly will become involved. To ensure the most effective Coast Guard response to hazardous materials incidents, coordinated plans of action must be formulated in advance. Authority for development of such plans may be found in various federal laws, including the Ports and Waterways Safety Act (PWSA), the Federal Water Pollution Control Act (FWPCA), the Hazardous Materials Transportation Act (HMTA), and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). The effectiveness of a hazardous materials incident resolution depends upon the severity of the incident, the type(s) of materials involved, the location of the incident, and the degree of preparedness of the responding agencies. The locations of facilities handling hazardous materials and their relation to other facilities, industry and residential sections in the proximate area are particularly important factors in planning. Additional considerations may involve operational constraints on vessels and facilities handling hazardous or foreign materials. For further information, see volume VII (TO BE DEVELOPED) of this manual.
- c. Plan Administration. Support agreements should be made with various federal, state, and local agencies, including as a minimum:
- (1) Port authorities;
 - (2) Fire departments;
 - (3) Police departments;
 - (4) Industry personnel knowledgeable in the hazardous materials handled in the port, and having equipment that may be used in control and recovery; and
 - (5) Active duty and reserve components of military units in the area.
- d. Access To Information. Copies of support agreements containing names and phone numbers of contact points and available resources should be kept in contingency plan files. Hazardous materials incident drills, with participation from other interested agencies, should be conducted on a regular basis to ensure the effectiveness of the plan. To provide response teams with data necessary for prompt and safe countermeasures, systems such as CHRIS, the Hazard Assessment Computer System (HACS), and the Oil and Hazardous Materials Technical Assistance Data Systems (OHMTADS) should be used. Various chemical data manuals, the Chemical Data Guide for Bulk Shipment by Water, COMDTINST M16616.6, and information from other sources such as Chemical Transportation Emergency Center (CHEMTREC), a commercial chemical data service, are available. Following each drill all contingency plans should be evaluated and updated as necessary.
4. Planning For Vessel And Waterfront Fires. See chapter 8 of this volume.

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- 6.B.5. Planning For Natural Disaster Response. In general, COTP's shall consult CG-368-2. A "natural disaster" is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause, including fire, flood, earthquake, storm, wind or wave action, volcanic activity, epidemic, contamination, blight, drought, or infestation. The primary responsibility for disaster response rests at the local and state levels. Federal assistance may be provided when local and state governments are unable to cope with the effects of the disaster; authorities frequently request Coast Guard assistance in such cases as severe port and waterfront damage caused by coastal storms.
6. Planning For Response To Civil Disorder And Terrorism. See volume VII (TO BE DEVELOPED) of this manual.
7. Recovery Of Foreign Military Materiel. Whenever possible, Coast Guard personnel shall recover foreign materiel. All foreign materiel should be handled as potentially explosive. See volume VII (TO BE DEVELOPED) of this manual for further information on recovery and reporting of foreign materiel.
- C. Port Emergency Planning. [NOTE: For further information, see volume VII (TO BE DEVELOPED) of this manual.] Under Executive Order (E.O.) 11490, as amended by E.O. 11921, broad emergency preparedness functions have been assigned to the Maritime Administration (MARAD). The functions for which MARAD is responsible fall into two distinct phases: Phase 1 concerns peacetime planning for operation of U.S. seaports under emergency conditions; Phase 2 implements these plans upon the declaration of a national emergency. To ensure coordination of MARAD programs concerning port utilization and control with Coast Guard responsibilities as delineated by E.O. 10173, direct liaison is maintained between Commandant (G-OIS) and (G-WPE), and MARAD's Office of Port and Intermodal Development. Commandant (G-WPE) has been designated as Coast Guard liaison for port utilization and control and questions concerning subject should be referred to them. In February 1959, MARAD requested 100 port authorities on the Atlantic, Gulf, and Pacific Coasts to initiate preparedness planning for their ports. Since that time, similar requests have been made concerning selected ports of the Great Lakes, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The basic premise of a port preparedness program is that local authorities can best determine their own emergency needs and develop detailed methods of meeting those needs with available resources. MARAD provides fundamental guidance and coordinates the efforts of neighboring ports having common interests.
1. Port Planning Committees.
- a. Planning Features. At the local level, actual port emergency operations plans are developed by port planning committees. The committee members are usually appointed by the local port authority or port industry, under a "delegation" of responsibility from MARAD. Each committee prepares a plan with universal planning base features. These include:

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- 6.C.1.a. (1) Establishment of alternate port operating headquarters and personnel reporting centers;
- (2) Emergency training programs;
- (3) Port security activities in addition to those of the Coast Guard;
- (4) Evaluation of port facilities, maintenance of operations, reconstruction, and restoration; and
- (5) Emergency stockpiling.
- b. Planning Guidelines. Planning guidelines are contained in a MARAD pamphlet "Emergency Port Operations of the National Shipping Authority." [NOTE: The MARAD pamphlet "Emergency Shipping Operations of the National Shipping Authority" contains information concerning the requisitioning of ships during national emergencies.] For additional information see CG-368-1, CG-368-2, and CG-368-3, the Nuclear, Biological, Chemical (NBC) Defense Preparedness Plan. Local port planning committees normally cease to function when they have completed the local plans, except for updating them as necessary. Planning proposals from these committees are not strictly oriented to military or civil defense considerations, but rather to continuing or restoring efficient operations of the port. Port planning committees are expected to maintain close liaison with local civil defense planning groups and, in some cases, may serve this dual function (obviously, the local COTP has a role in the port planning committee).
- c. Federal Involvement. It is not the intention of the federal government to operate port facilities in a national emergency, but to control their use in the national interest. It may be necessary to activate a local port emergency operations group to implement the committee's plans. This group would be headed by a "director of emergency port operations," and established and empowered by various local port interests to serve during natural disasters or emergencies. In a national emergency, the group would be subject to the authority of the federal lead agency to the extent that controls may be necessary.
2. Program Goals. The common goal underlying both phases of the port preparedness program is to provide a basis for the efficient operation of U.S. ports during a sustained period of stress. Traffic flow must be maintained with a minimum of disruption to the port industry, by allowing peacetime owners and operators of the facilities to continue operation of the facilities themselves. [NOTE: At the same time, the government must develop plans for federal control of ports if such a need arises.]
3. MARAD Responsibilities In Port Emergencies. [NOTE: For further information, see volume VII (TO BE DEVELOPED) of this manual.] During Phase 2, MARAD is responsible for the emergency use of U.S. ports. MARAD will take the following actions during emergencies:

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- 6.C.3. a. Allocation of port facilities, equipment, and services (public and private), to meet the requirements of the military, civil defense, war production, and the essential civilian economy;
- b. Assignment of a maximum quota of cargo sealift for each port, consistent with the port's overall transshipment capacity and considering port facilities, equipment, labor, and available surface and air transportation;
- c. Immediate allocations of port facilities and assignments of sealift quotas, as required by possible damage to port areas, and required diversions of ship routes due to enemy action at sea;
- d. Coordination and control, through the federal agency responsible or land transportation, of traffic to and from port areas;
- e. Administration of priorities for the movement of traffic through port areas;
- f. Guidance for the coordination of port terminal operations; control over the use of port facilities, equipment, and services (public and private), except those owned by, or allocated to, the Department of Defense (DOD);
- g. Determination of the need for port development; coordination of the rehabilitation of damaged port facilities, and the development of alternate port facilities to meet essential requirements;
- h. Determination of the need to restore damaged or destroyed ports and facilities, or to improvise new facilities; direction, coordination, and control of federal, state, local, and private activities in restoring or improvising facilities;
- i. Maintenance of current data on the cargo-handling capacities in U.S. port areas, including current conditions affecting such capacities and data reflecting total schedules and anticipated cargo movements; and
- j. Furnishing current data, in accordance with sealift schedules, to the federal agency responsible for land transportation. This allows the latter agency to approve and issue block releases for portbound traffic, relative to military traffic; advise this agency when circumstances warrant MARAD control over traffic bound inland from the port area, to minimize congestion in the port area.

[NOTE: Port facilities and services owned by or preallocated to DOD are generally excluded from MARAD controls; these facilities are subject to regulation by DOD. However, DOD facilities are subject to certain MARAD controls, such as the allocation and reallocation of commercial port facilities, movement of cargoes in port areas, and the determination of maximum sealift quotas, for all purposes, to each port area.]

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6.C.4. Operation And Control Of Port Facilities. The following information has been extracted from the MARAD pamphlet "Emergency Port Operations of the National Shipping Authority (NSA)":

"In keeping with the requirements of the National Plan for Emergency Preparedness and Executive Order 11490, as amended, relating to the emergency utilization and control of ports, the Maritime Administration has prepared plans which would be implemented by NSA to carry out delegated responsibilities in ports with minimum interference or disruption at the local operating level. Basically, these plans involve the use of two types of standby contracts executed prior to the declaration of an emergency, which would be implemented upon the declaration of a national emergency."

"The first type of standby contract will ordinarily be drawn up with one or more companies operating particular terminals to be selected at various seaports. Under this type of service contract, the Government will pay tariff rates in effect at the time of any emergency for dockage, wharfage, checking, loading and unloading of vehicles, wharf demurrage, etc."

"The second type of standby contract will obtain the services of a Federal Local Port Controller. The contract will be made, as a minimum, with the marine element of a port authority or similar agency to fulfill the prescribed coordinating role at major ports where MARAD has two or more terminal operators under standby contract. Through this contract, MARAD will obtain the services of a senior qualified official as port coordinator and NSA local representative, supporting staff, office space, communications, and other ancillary facilities."

"It must be emphasized that only a restricted number of standby contracts will initially be drawn up. This number will of course be increased when conditions warrant."

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CHAPTER 7. POLLUTION RESPONSE

A. General Provisions.

1. Authority. Section 311 of the Federal Water Pollution Control Act (FWPCA), as amended (33 U.S.C. 1321) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601, et seq.), are the principal authorities for federal response to discharges of oil and releases of hazardous substances. The procedures and standards for conducting responses are contained in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300.34(b)). Each Coast Guard captain of the port (COTP), under the NCP and applicable Regional Contingency Plan (RCP), coordinates federal activities on scene as either the predesignated On-Scene Coordinator (OSC) or the first federal official in the absence of the predesignated OSC. The OSC's objective is to ensure rapid, efficient mitigation of actual or threatened pollution releases and discharges. This chapter supplements the procedures for carrying out the Coast Guard's responsibilities under the NCP. Legislative mandates and Executive Orders (E.O.'s) authorizing Coast Guard actions in pollution response and COTP functions are listed in volume I of this manual.

2. National Response Organization.

a. Role Of The OSC. It is the policy of the Coast Guard to ensure that timely and effective response action is taken to control and remove discharges of oil and releases of hazardous substances, including substantial threats of discharges and releases, into the coastal zone, unless such removal actions are being conducted properly by the responsible party. As the single federal official responsible for ensuring proper pollution response and enforcement, the OSC is the most important component in the national response organization. The OSC must quickly determine:

- (1) The nature, amount, and location of a pollutant;
- (2) The potential impact on public health and welfare or on the environment; and
- (3) The countermeasures necessary to adequately contain, control, or remove the pollutants.

The OSC shall use appropriate legislative and regulatory authorities, the NCP, regional and local contingency plans, and other circumstances unique to each incident to ensure that pollution response is carried out expeditiously and aggressively.

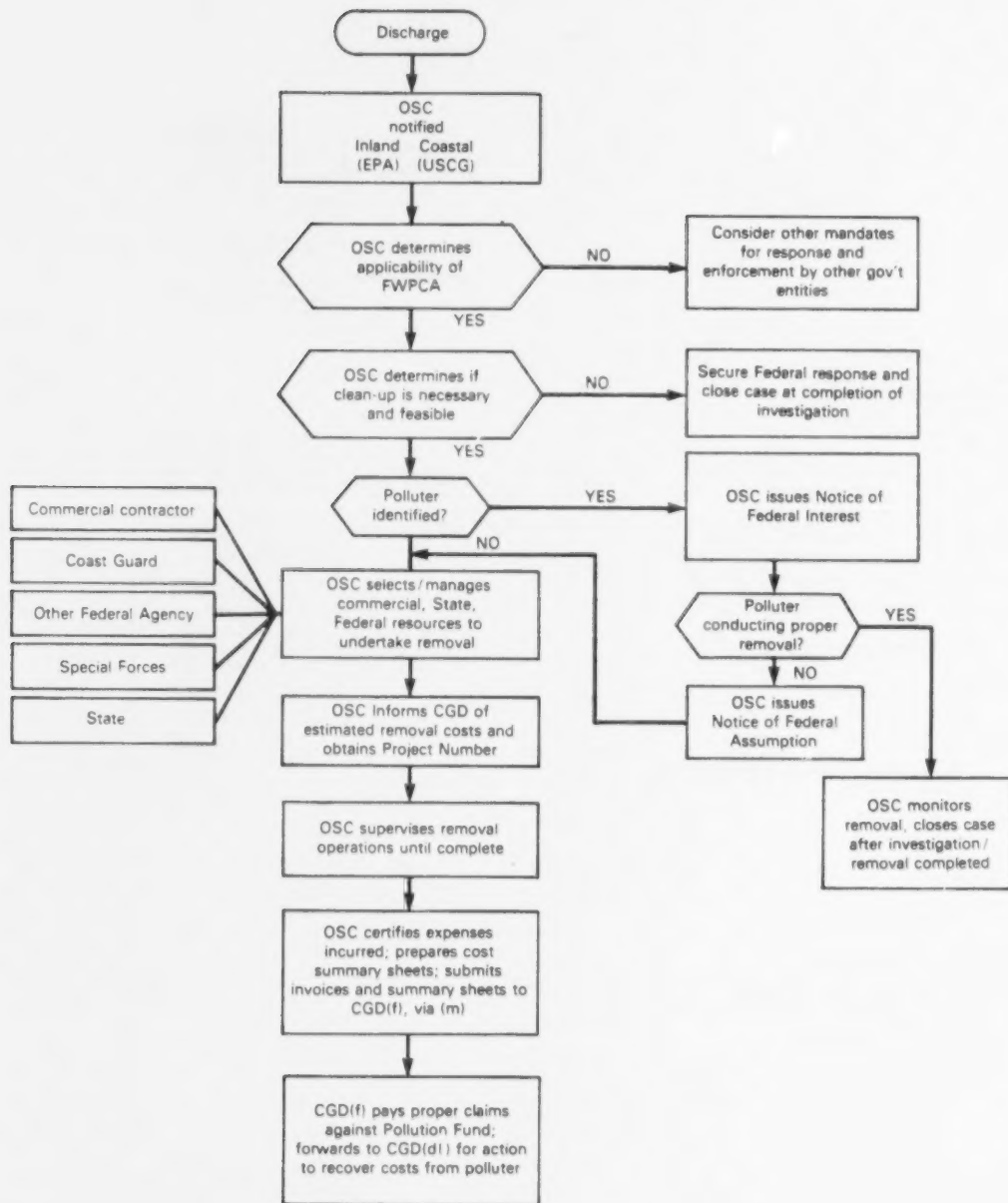
b. OSC's Emergency Task Force (ETF). A Coast Guard OSC manages the ETF cited in the NCP (40 CFR 300.32(b)). The ETF must be able to assess a spill to determine response measures, monitor and supervise pollution countermeasures, employ limited Coast Guard equipment until a contractor arrives, document all phases of the response, and conduct

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- 7.A.2. b. (cont'd) investigations. While many responsibilities may be delegated to the OSC's staff, the OSC remains solely responsible to determine the threat to public health and welfare, to authorize the expenditure of federal funds, and to ensure that necessary response actions are performed. When the situation mandates, the OSC shall augment his or her staff with whatever expertise, personnel, and/or equipment that is available through national, regional, and local contingency plans. Most notable are the National Strike Force (NSF), the Environmental Response Team (ERT), the Scientific Support Coordinator (SSC), and the Public Information Assist Team (PIAT) described in the NCP as Special Forces. The capabilities of available Special Forces and guidance on when they should be contacted are found in paragraph 7.D.4 below.
- c. Interagency Functions. The National and Regional Response Teams (NRT and RRT) act as the coordinating bodies that assist the OSC in rapidly obtaining expertise or resources from other federal or state organizations. Agencies comprising the NRT and RRT, along with their respective areas of expertise and responsibilities, are listed in the NCP (40 CFR 300).
3. Response Alternatives. The NCP describes separate procedures for "discharges" under the FWPCA, and "releases" under CERCLA. CERCLA does not apply to oil spills, but is more comprehensive than the FWPCA, and it should be used for response to all hazardous substance releases, even if the FWPCA is applicable. [NOTE: In order to enhance the potential for removal cost recovery in the case of a hazardous substance discharge from a foreign flag vessel neither owned nor operated by a United States citizen, both Section 104(a) CERCLA and Section 311(c) FWPCA should be cited as authority for necessary removal actions. Of course this would be limited to circumstances where both statutes apply. Since CERCLA Trust Fund monies will be used, CERCLA procedures will still be followed.] Usually, a limited federal effort is required, beyond the investigation duties described in volume V of this manual, if either mitigation measures are not feasible, or the polluter and/or other parties are taking appropriate measures. When more extensive federal involvement is required, the OSC must rapidly determine the appropriate response alternative provided for by the FWPCA, CERCLA, or other authority. Figures 7-1 and 7-2 are "standard" flowcharts for pollution response under the FWPCA and CERCLA, respectively. Section 7.B below details pollution response under the FWPCA. Most of the procedures also apply to CERCLA and can generally be used in response to hazardous substance releases. Section 7.C below provides additional procedures that are unique to CERCLA.
- B. Pollution Response Under The FWPCA.
1. Handling The Report Of A Pollution Incident. The NCP (40 CFR 300.51(b)) requires that all reports of discharges be made to the National Response Center (NRC), unless reporting to the NRC is not practicable. In such cases, reports can be made to the Coast Guard or EPA predesignated OSC for the area where the discharge occurs. The OSC is required to promptly relay all such reports to the NRC. Telephone relay is not required.

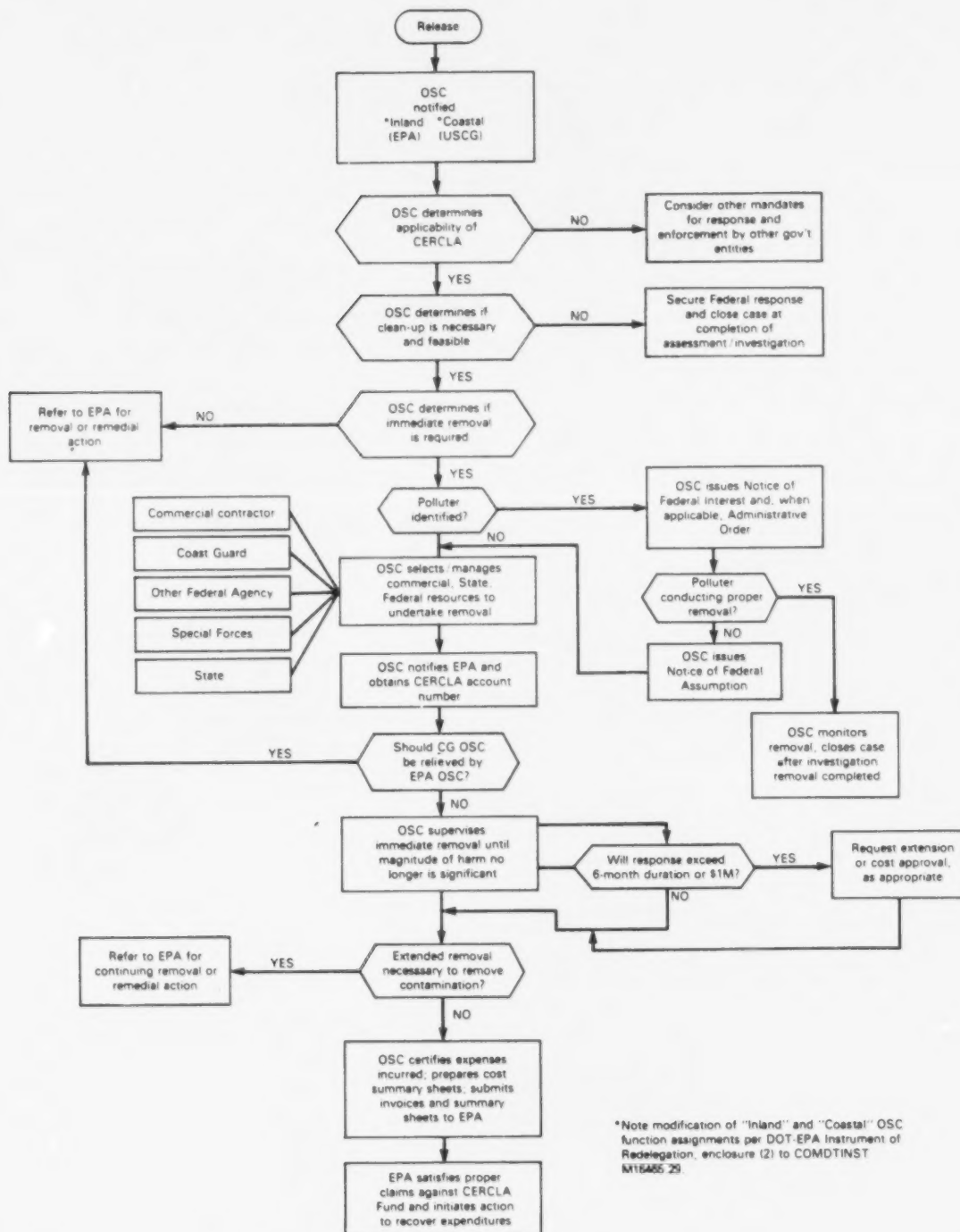
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FIGURE 7-1
FWPCA RESPONSE FLOWCHART



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FIGURE 7-2
CERCLA RESPONSE FLOWCHART



*Note modification of "Inland" and "Coastal" OSC function assignments per DOT-EPA Instrument of Delegation, enclosure (2) to COMDTINST M16455.29

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7.B.1. (cont'd) Entry of the NRC Case Number in the appropriate field of the Marine Safety Information System Marine Pollution Product Set (MSIS-MP) will meet this relay requirement.

- a. State Notification. On receipt of a pollution incident, the OSC shall notify the appropriate state representative and any other agency whose services may be necessary during a response. This notification also serves as notice to the applicable state natural resource trustees.
 - b. Notification Of Natural Resource Trustees. The OSC should notify the appropriate land managing agencies or trustees of natural resources whenever there is any indication of resources potentially being affected by an oil discharge or hazardous substance release. Federal resource trustees are identified in Subpart G of the NCP and should also be identified in the RCP.
2. Preliminary Assessment. The OSC shall determine the discharge's magnitude and severity, the identity of suspected polluters, threats to public health and welfare, the feasibility of countermeasures, and the Coast Guard's jurisdictional authority to pursue pollution countermeasures for all pollution reports.
- a. Determining The Need For On-Scene Assessment. Sections 300.52 and .64 of the NCP require that the OSC conduct a preliminary assessment of each reported discharge or release. However, this assessment does not necessarily require the on-scene presence of Coast Guard personnel. The following policy should be used in determining whether Coast Guard presence is required on scene:
 - (1) The OSC will rapidly assess every reported discharge of oil or release of hazardous substances. Based on the geographical size of the zone, resource limitations, and information received in the notification, the OSC may, as necessary, use capable representatives of other federal, state, or local government agencies for this initial assessment.
 - (2) If the responsible party is conducting the removal, the OSC will monitor, or assure that a capable representative from another federal, state, or local government agency monitors, all cleanup activities. In those cases where a Coast Guard or other government official is not on scene, conduct monitoring by the best practical means available.
 - (3) In all cases when Coast Guard investigation is required for civil or non-notification penalties, investigators will be dispatched in accordance with procedures detailed in volume V of this manual.

Whether or not Coast Guard personnel are dispatched, the Coast Guard COTP shall enter the pollution incident in the MSIS-MP using available information (see subparagraph 7.B.6.b.(2) below).

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7.B.2. b. Determining FWPCA Applicability. The OSC must ensure that three criteria are met before exercising enforcement or removal activity:

- (1) There was a DISCHARGE or substantial threat of a discharge (see the FWPCA, Section 311(a)(2), but note that removal authority is not limited by exclusions (A), (B), or (C));
- (2) Of OIL or HAZARDOUS SUBSTANCES (see the FWPCA, Section 311(a)(1) for oil, 40 CFR 117 for hazardous substances);
- (3) Into or upon the NAVIGABLE waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act (OCSLA) or the Deepwater Port Act of 1974 (DPA), or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (see the FWPCA, Section 311(b)(3)). "Quantities which may be harmful" (40 CFR 110.3 and 117) have no bearing on authority to undertake removal action.

Section 502(7) of the FWPCA broadly defines navigable waters as "waters of the United States." This includes waters "traditionally" recognized as navigable, along with streams, creeks, lakes, and ponds which form their tributaries. Storm drains and other artificial systems are extensions of waterways when an effluent could flow through them into the tributary system without passing through a treatment plant. "Waters of the U.S." also include seasonally dry watercourses when there is water standing or flowing. The mere existence of a channel or bed through which water could flow is, however, insufficient without the actual presence of water or potential presence of water in the near future due to tidal fluctuations, seasonal flooding, or other occurrences. Therefore, "navigability" is not the controlling factor. Definitions of jurisdictional terms are contained in 33 CFR 2.05.

c. Pollution Countermeasures. The OSC must ensure that response actions to mitigate damage are initiated as soon as possible after discovery or notification of a discharge or potential discharge. These actions include, but are not limited to:

- (1) Containment measures and monitoring the spread of the pollutant;
- (2) Measures required to warn the public of acute danger;
- (3) Provision of temporary drinking water sources;
- (4) Monitoring to determine the extent of contamination;
- (5) Removal/cleanup/disposal measures;
- (6) Providing navigational cautions while response activities are underway; and

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- 7.B.2.c. (7) Response efforts required to locate and isolate spill sources or to identify the properties of the discharged pollutants.

Such countermeasures should be taken by the responsible party (usually through cooperatives or contractors), but may be initiated by the OSC if circumstances require. The long-term solution to some spills may require the construction of major capital structures including advanced treatment systems or extension dikes. While such construction may mitigate the danger to the public, it normally is not appropriate to undertake directly such extensive actions under Section 311(c) of the FWPCA.

- d. Feasibility Of Removal Actions. The OSC must use experience and best judgment when applying the FWPCA authority in removing, arranging for removal, or ensuring the proper removal of pollutants. Considerations in determining the feasibility of removal include:

- (1) Will removal action cause more damage to the environment than allowing the pollutant to naturally dissipate?
- (2) Can cleanup be initiated before the pollutant disperses, making cleanup impractical?
- (3) Can equipment be deployed without excessive risk to the life and health of personnel?

3. Actions Required When The Polluter Is Identified. When the polluter is identified, the OSC shall undertake the procedures described below. [NOTE: It is of particular importance that the OSC make a reasonable effort to have the responsible party voluntarily and promptly perform removal operations (see the NCP, 40 CFR 300.52).]

- a. Notice Of Federal Interest. The OSC shall present a Notice of Federal Interest to every suspected discharger. [NOTE: This requirement is for internal direction only. The failure of an OSC to present a Notice of Federal Interest in a given case does not affect any liability of any person which may arise in that case.] This informs the suspected discharger of a potential violation of the FWPCA and of his or her possible liability for any costs incurred by the federal government to mitigate the damages resulting from the pollution incident. Notice should also be made in potential pollution incidents when the actions of the potential discharger to abate the threat are considered insufficient, and federal action is contemplated. A sample format for the notice is shown in Figure 7-3. If necessary, a personally drafted Notice of Interest may be written by the OSC's representative. The Notice must contain:

- (1) The location and time of the discharge;
- (2) Statement that the person is the owner or operator of the suspected source;

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FIGURE 7-3

SAMPLE NOTICE OF FEDERAL INTEREST IN POLLUTION INCIDENT

(Name/Address)

Gentlemen:

On or about (date/time), a pollution incident occurred or threatens to occur at (vessel/facility) at (location and body of water), for which you may be financially responsible. Under federal statutes, the United States Government may take appropriate action to minimize or mitigate damages that are threatened or that may be caused by this incident.

The [Federal Water Pollution Control Act (FWPCA), as amended] [Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)] authorizes the federal government to respond to this pollution incident. Under this Act, if the owner or operator of the source fails to take adequate removal actions, the owner or operator may be held financially responsible for any removal actions taken by the federal government. Removal is adequate and being done properly if it is done in accordance with federal and state statutes and regulations and the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan. If you undertake removal actions, the adequacy of such actions shall be determined by the U.S. Coast Guard On-Scene Coordinator (OSC). The OSC for this area is (name).

As long as you are taking adequate actions in this matter, federal action will be limited to monitoring the progress of your actions and providing guidance as necessary. [Under the FWPCA, Section 311, your response actions will be considered in determining the amount of any penalty assessed as a result of the discharge.]

If you do not take prompt and appropriate removal actions, federal response may be initiated. You may be held responsible for all actual costs incurred by the federal government for which you are liable as set forth in [Section 311(f) of the FWPCA, as amended] [Section 107(a) of CERCLA]. Should you require further information concerning this matter, please contact: (name, address, and telephone number of the OSC).

Sincerely,

(OSC or Representative)

Received and acknowledged:

(Name of Addressee), (Date/Time)

Witness: (Name), (Date/Time)

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- 7.B.3.a.
- (3) Reference to Section 311 of the FWPCA, as amended, and an explanation of the federal government's cleanup role;
 - (4) Notice of the person's potential financial responsibility to the federal government if the cleanup is performed by the United States under the direction of the OSC;
 - (5) Notice that his or her response actions will have a direct bearing on the amount of any civil penalty assessment (FWPCA, Section 311); and
 - (6) The identity of the OSC, including the OSC's address and telephone number.

If possible, a witness should accompany the OSC's representative when the Notice is served. The OSC shall retain a copy of the Notice that is signed and dated by the suspected discharger, or the suspected discharger's representative. If the discharger refuses to sign, the Notice will still be served. The investigator will note the circumstances on the copy, sign and date it, and have the witness sign and date it. Should the owner/operator be unavailable, the Notice shall be sent via certified mail, return receipt requested.

- b. Monitoring Removal Operations. Normally, the removal is done by the responsible party, and the OSC need only ensure that it is being conducted properly. "Proper" includes both the timeliness and the adequacy of the removal operations that are necessary to control the spread of the discharge and mitigate the environmental effect. When appropriate, the OSC shall guide the discharger on the preferred course of action. The OSC shall use good judgment in determining the extent of monitoring required and the need for the presence of the Coast Guard or other government agencies on scene. The extent of monitoring required will largely depend on the known capabilities and the reliability of the discharger and/or the discharger's cleanup firm. The OSC will monitor, or assure that a capable representative from another federal, state, or local government agency monitors, all responsible party cleanups. Monitoring tasks include:
- (1) Prioritizing the areas to be cleaned-up and the degree of removal that is required;
 - (2) Providing advice on removal methods;
 - (3) Ensuring only authorized means of cleanup are used (i.e., no chemical agents other than those authorized by the NCP, Subpart H) (see paragraph 7.D.3 below);
 - (4) Ensuring selected cleanup techniques and equipment result in the least environmental damage or interference with designated water uses including the protection of vulnerable or endangered species of waterfowl and wildlife; and

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7.B.3.b. (5) Recommending changes to improve cleanup operations.

c. "Arranging For Removal." (TO BE DEVELOPED)

- d. Federal Assumption Of Response Activities. Under FWPCA Section (311)(c)(1), whenever a polluter is unknown or not acting responsibly, or when its removal effort is insufficient, the OSC may assume total or partial control of response activities. The OSC must inform the suspected polluter, if known, of this action by issuing a Notice of Federal Assumption of Response Activities, even if the suspected polluter has not initiated any action. This Notice references the Notice of Federal Interest and indicates the date and time the federal response is initiated. The same procedures used for issuing and obtaining signatures for the Notice of Federal Interest apply. Figure 7-4 is a sample Notice of Federal Assumption of Response Activities. [NOTE: This requirement is for internal direction only. The failure of an OSC to present a Notice of Federal Assumption of Response Activities in a given case does not affect any liability of any person which may arise in that case.] In some instances, the OSC may determine that the polluter's response efforts should continue, but that some federal assistance is necessary to augment the cleanup (e.g., cleanup resources that the polluter cannot or will not provide). Whenever it is necessary for the federal government to expend funds in support of a cleanup operation, for purposes other than monitoring, the OSC should declare a federal spill for the area(s) for which he or she is assuming control, activate the 311(k) fund to cover expenses and take whatever actions are necessary to ensure a proper cleanup. In these cases, the Notice of Federal Assumption shall clearly delineate those actions or areas for which the OSC is assuming control or providing other resources. [NOTE: The term "declare a federal spill" as used in this chapter means: in the case where a suspected polluter has been identified, the presentment of the Notice of Federal Assumption; or in other cases, the initiation of the federal removal operation.]

4. Initiating Federal Removal Operations.

a. Resources.

- (1) Introduction. The OSC may use the FWPCA (Section 311(k)) Pollution Fund to pay for removal costs as described in subparagraph 7.B.3.d above. In addition to the resources listed below, any of the Special Forces (see paragraph 7.D.4 below) may be activated whenever local resources are unable to provide necessary equipment, personnel, or expertise. In managing a federally-funded removal, the OSC must make every effort to:

- (a) Minimize elapsed time from notification to deployment of equipment;
- (b) Match equipment and personnel to spill characteristics; and

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FIGURE 7-4

SAMPLE NOTICE OF FEDERAL ASSUMPTION OF RESPONSE ACTIVITIES

(Name/Address)

Gentlemen:

My letter of (date) notified you of federal interest in an actual or potential pollution incident at (vessel/facility) at (location and body of water), for which you are presently considered financially responsible.

You are hereby given notice that your actions to abate this threat and to remove the substance(s), and to mitigate (its/their) effects have been evaluated as unsatisfactory by the U.S. Coast Guard On-Scene Coordinator (OSC), (name). Effective (date/time), the Coast Guard will conduct all response activities under the authority of [Section 311(c)(1) of the Federal Water Pollution Control Act (FWPCA), as amended] [Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)]. Removal will be effected in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan and federal regulations. You may then be liable for all removal costs incurred by the federal government as set forth in [Section 311(f) of the FWPCA] [Section 107(a) of CERCLA].

Should you require further information concerning this matter, you should contact: (name, address, and telephone number of OSC).

Sincerely,

(OSC or Representative)

Received and acknowledged:

(Name of Addressee), (Date/Time)

Witness: (Name), Date/Time)

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- 7.B.4.a.(1) (c) Minimize the cost of labor, equipment, and materials and rapidly secure those resources that are no longer needed.
- (2) Managing A Commercial Contractor. The OSC shall, whenever possible, use contractors having current Basic Ordering Agreements (BOA's) with the district commander (fcp) (see Commandant Instruction (COMDTINST) 4200.14 (series)). Consult with the district contracting officer when a contractor is not under a BOA. In all cases, the OSC must know the contractor's capabilities. The selection shall be based on the OSC's determination of the lowest cost contractor capable of performing the job in a timely manner, not solely on a rotation schedule or other method. The OSC shall specify the needed cleanup resources and authorize the contractor to proceed in writing or verbally, with a written follow-up. Documentation of contractor costs is described in subparagraph 7.B.6.c.(2) below. Operations performed at the scene of a federally-funded spill that are not authorized by the OSC will not be paid from the Pollution Fund.
- (3) Use Of Coast Guard Unit Equipment. Each OSC shall maintain levels of "first aid" oil pollution response equipment as determined through the contingency planning process; however, it is the Coast Guard's policy not to compete with the commercial sector. Consistent with this policy, the use of Coast Guard equipment is appropriate only when:
- (a) It can be used in a more timely fashion than commercially available equipment;
 - (b) It includes a necessary containment or removal device that cannot be reasonably obtained from commercial sources; or
 - (c) It will significantly enhance removal activities.
- COMDTINST 7310 (series) establishes standard rates to compute charges for Coast Guard pollution response equipment. Questions concerning these rates or the determination of other charges should be addressed to Commandant (G-FAC-6). Whenever the OSC must utilize Coast Guard-owned equipment for purposes other than monitoring, the OSC shall declare a federally-funded removal to the extent necessary to ensure effective removal of pollutants. Upon arrival of commercial equipment, Coast Guard-owned equipment should be removed, provided a smooth transition can be made. Additional guidance on the administration and use of Coast Guard-owned material for pollution response is found in volume I of this manual.
- (4) Use Of The State In Removal Operations. Under contracts or cooperative agreements established under the FWPCA (Section 311(c)(2)(h)), states may be reimbursed for OSC authorized expenditures incurred while conducting removal operations. A determination by the OSC that the responsible party is not

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7.B.4.a. (4) (cont'd) properly conducting removal operations is a prerequisite for reimbursement of state removal expenses. Without a Section 311(c)(1) determination by the OSC prior to initiation of response actions, a state cannot obtain reimbursement for costs incurred in those activities. In addition, the OSC must determine that state removal actions are necessary. The OSC may authorize state removal actions when the state can minimize or mitigate significant damage which federal removal actions cannot, or when the cost incurred by the state will be less than, or not significantly greater than, that incurred by federal departments or agencies (NCP, 40 CFR 300.58). Also, since the OSC must certify that the activities of the state and the corresponding expenses were authorized, the OSC must maintain an appropriate level of supervision over state response actions. Only expenses prepaid from state funds may be considered for reimbursement. This policy recognizes the responsibility of the OSC to determine the propriety of any removal actions taken by the party responsible for the discharge, and allows the OSC to maintain effective control over removal activities in the OSC's geographic area of responsibility. Care must be exercised in a state removal operation to ensure that misunderstandings do not develop concerning reimbursement of funds expended for removal activities. State resources are to be used in accordance with formal agreements established among federal departments and agencies, the state, and the Coast Guard. These agreements should describe the mechanisms governing state reimbursement from the Pollution Fund for reimbursable activities listed in 33 CFR 153.407. To remain consistent with the policy on use of the 311(k) fund for hazardous substance removals, as described in section 7.B.7.a below, all agreements should be limited to oil discharge removal actions. The procedures for coordinated federal and state response activities should be included in the RCP. A sample agreement with a state agency is shown in Figure 7-5.

(5) Use Of Other Federal Agencies. The OSC shall be familiar with existing Memorandums of Understanding (MOU's) and Interagency Agreements (IAA's) that describe the responsibilities and expectations of participating agencies during response operations. Figure 7-6 contains a list of existing MOU's and IAA's pertaining to pollution response (volume X (TO BE DEVELOPED) of this manual will contain copies of these documents).

b. Accessing The FWPCA 311(k) Pollution Fund. The OSC shall promptly request the issuance of a project number from the district Fund Administrator for all federally-funded removals (see paragraph 7.B.7 below concerning use of the Fund). The OSC will provide the following information with the project number request:

- (1) The amount of obligation needed;
- (2) The name of the discharger, if known or suspected;

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FIGURE 7-5

SAMPLE AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF _____
CONCERNING REIMBURSEMENT FROM THE FEDERAL POLLUTION FUND

WHEREAS, the state of _____, through its (state agency), and the U.S. Coast Guard, through its _____ Coast Guard District, have a mutual interest in protecting the environment from the damaging effects of oil pollution discharged into the navigable waters of the United States and the adjoining shorelines within their mutual jurisdictions; and

WHEREAS, the Coast Guard is authorized by the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the "Act," and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300), hereinafter called the "National Contingency Plan," to reimburse state agencies from the Federal Pollution Fund under certain circumstances in which the Federal On-Scene Coordinator, hereinafter called the "OSC," determines that such action is necessary; and

WHEREAS, the state of _____, through its (state agency), and other political subdivisions and state instrumentalities, is authorized by state statute and local ordinances to pursue vigorous action to abate, contain, and recover oil pollutants discharged into its waters; and

WHEREAS, the (state agency) is the agency of the state of _____, designated pursuant to 40 CFR 300.24(a) to direct the cleanup of pollution by state and local agencies, and is the sole agency to submit requests for reimbursement for all state agencies, political subdivisions, and instrumentalities; and

WHEREAS, the (state agency) and the _____ Coast Guard District desire to establish uniform procedures for the authorization, documentation, certification, and reimbursement from the Federal Pollution Fund of Phase III (Containment, Countermeasures, Cleanup, and Disposal) oil pollution cleanup expenses incurred by the (state agency) or other state agencies, instrumentalities, and political subdivisions under its supervision and control, and which are required to be paid by the Act, the National Contingency Plan, and by appropriate implementing regulations;

NOW THEREFORE, the (state agency) and the _____ Coast Guard District agree as follows:

- (1) The OSC, designated in accordance with the National Contingency Plan, is the person solely responsible for coordinating federal pollution control efforts and the only person who may authorize activities which are reimbursable from the Pollution Fund.
- (2) This agreement is not intended to limit, to those situations in which reimbursement from the Pollution Fund is permissible, the activities of (state agency), other state agencies, instrumentalities, or political subdivisions in carrying out the mandate of statutorily approved programs. It is anticipated that exercise of state authority may

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FIGURE 7-5 (cont'd)

- (2) (cont'd) be appropriate in circumstances in which federal action is not deemed necessary by the OSC. Activities of (state agency), other state agencies, instrumentalities, or political subdivisions may include expenditure of state funds which under other circumstances would be reimbursable, or expenditures (such as restoration expenses) which are not reimbursable from the Pollution Fund.
- (3) The OSC may inquire of the designated representative of (state agency) what, if any, equipment, personnel, or materials of (state agency), other state agencies, instrumentalities, or political subdivisions are available for use hereunder. The designated representative shall inform the OSC of what items, if any, are available and to what extent, if any, (state agency) desires to assume a portion of the responsibility for Phase III actions during a particular oil pollution incident, and the estimated costs of such actions.
- (4) Upon determination by the OSC that all of the following conditions have been met, he or she may authorize (state agency) to proceed with certain work to contain, clean up, and remove oil deposited upon the navigable waters of the United States or on adjacent shorelines or beaches:
 - (a) That the party causing the discharge is unknown; or that the responsible party has been notified, if possible, of his or her liability for the costs of federal removal in accordance with Section 311(f) or (g) of the Act, the need to perform the removal in accordance with existing federal and state statutes and regulations, including the National Contingency Plan, and the name and availability of the OSC;
 - (b) That, despite these efforts by the OSC or other officials, the responsible party does not act promptly and adequately to remove the discharge; and
 - (c) That state action is required to minimize or mitigate significant damage to the public health and welfare which federal action cannot minimize or mitigate; or that state action can be effected at a cost not significantly greater than that which would be incurred through action by federal agencies.
- (5) If the OSC determines that the conditions of paragraph (4) have been met and that state action is necessary, he or she may authorize the designated representative of (state agency) to proceed with the performance of appropriate services. This notice to proceed may be limited in any fashion and may be terminated at any time by the OSC, in whole or in part, by written or oral notice to the designated representative.
- (6) All labor and equipment offered by the designated representative of (state agency) and authorized for use by the OSC shall be performed using the employees of (state agency), other state agencies, instrumentalities, or political subdivisions, unless the provisions of paragraph (8) of this

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FIGURE 7-5 (cont'd)

- (6) (cont'd) agreement are met in contracting private concerns. All authorized work shall be supervised by the designated representative of (state agency). Work authorized hereunder, whether rendered by (state agency), other state agencies, instrumentalities, or political subdivisions shall be paid for by state or local appropriations and shall be considered, for the purpose of this agreement, as work rendered by (state agency). If the service of private contractors is deemed necessary by the designated representative of (state agency), those services will be obtained from concerns under contract to the United States, or through the ____ Coast Guard District contracting officer.
- (7) (State agency) shall be reimbursed for the following costs incurred hereunder and paid for by state or local appropriations, upon the submission of a report supported by accounting data, itemizing the actual costs incurred, to the Commander, ____ Coast Guard District via the OSC:
- (a) Costs found reasonable by the Coast Guard and incurred by government industrial-type facilities, including charges for overhead in accordance with the facility accounting system;
 - (b) Actual costs for which an agency is required or authorized by law to obtain full reimbursement.
 - (c) Costs found to be reasonable by the Coast Guard and incurred by removal activities that are not ordinarily funded by regular appropriations and that are unusual in nature. These include, but are not limited to, the following:
 - (i) Travel (transportation and per diem) specifically requested of the agency by the OSC;
 - (ii) Overtime for civilian personnel specifically requested of the agency by the OSC;
 - (iii) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred during removal activities;
 - (iv) Supplies, materials, and equipment procured for specific removal activities and fully expended during those activities;
 - (v) Lease or rental of equipment for specific removal activities; or
 - (vi) Contract costs for specific removal activities authorized in accordance with paragraph (8).
- (8) Subcontracts:
- (a) Subcontracts may be made by (state agency) for the furnishing of work only with concerns having the prior approval of the OSC, who shall consult with the District contracting officer. For the purpose of

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FIGURE 7-5 (cont'd)

- (8) (a) (cont'd) this clause, purchase of raw materials or commercial stock items shall not be considered "work."
- (b) No subcontract placed by (state agency) hereunder shall provide for payment on a cost-plus-percentage-of-cost basis.
- (9) All individual requests for services hereunder shall be made by order of the OSC. Oral orders shall be confirmed in writing. (State agency) shall issue daily work orders to its labor force, and shall prepare daily (in a manner acceptable to Commander, _____ Coast Guard District (f)) a complete list of personnel, equipment, and materials provided hereunder, the inclusive times of their employment, and their costs if known, or an accurate estimate thereof if actual costs are not ascertainable. The list shall be sufficiently itemized to permit the OSC to maintain an accurate record of actual or estimated costs for each category of activity, and to identify each item of work for which actual costs will be included in the final billing. For minor incidents, the OSC may require less frequent reports at intervals not longer than three (3) days. Each daily report should also include an estimate of the percentage of work completed, an estimate of expenses necessary to complete removal activities, and remarks concerning any unusual problems encountered or anticipated.
- (10) Hourly charges under paragraph (7) shall commence with the time personnel and equipment depart for the scene of the oil pollution incident, excluding any diversions. Charges shall terminate at the conclusion of necessary cleanup activities and transportation of personnel and equipment to their respective bases of operation; or, in the case of a notice of termination of authorization to proceed on certain work issued by the OSC, after the time which would have been necessary for cleanup activities and return transportation, had the work been terminated at the time of the notice.
- (11) If it is deemed in the best public interest, the United States reserves the right to request cleanup services simultaneously from competitive firms and will expect harmonious cooperation from the various contractors working in the same or adjacent areas. The apportionment of contractors' services will lie solely within the discretion of the OSC, and no guarantee of volume of requested services shall be intended or implied.
- (12) Services provided hereunder by (state agency) shall be in accordance with the following general provisions:
- (a) No member of or delegate to Congress, or resident commissioner, shall be admitted to any part or share of this contract, or to any benefit that may arise herefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.
- (b) (State agency) warrants that no person or selling agency has been employed or retained to solicit or secure this agreement upon an

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FIGURE 7-5 (cont'd)

- (12) (b) (cont'd) agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by (state agency) for the purpose of securing business. For breach or violation of this warranty, the Government shall reserve the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
- (c) The parties to this contract act in an independent capacity in the performance of their respective functions under the provisions of this contract, and neither party is deemed the officer, agent, or employee of the other. [NOTE: Other provisions may be added as necessary.]
- (13) This agreement shall go into force thirty (30) days after signing by both parties to the agreement.

(Name and title, U.S. Coast Guard)

(Name and title, state agency)

(Date)

(Date)

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FIGURE 7-6

MEMORANDUMS OF UNDERSTANDING AND INTERAGENCY AGREEMENTS PERTAINING TO POLLUTION RESPONSE

1. USCG-EPA: Mitigating of Damage to the Public Health or Welfare Caused by a Discharge of Hazardous Substances Under Section 311 of the Clean Water Act. (3 OCT 1979)
2. Department of Transportation (DOT)-EPA: Redelelegation of Certain Pollution Response Functions Under CERCLA or SUPERFUND. (9 OCT 1981)
3. USCG-EPA: A Mechanism for Funding Vendor Costs Incurred by the U.S. Coast Guard During Emergency Response to Releases or Threats of Releases of Hazardous Substances. (4 JAN 1982)
4. USCG-U.S. Geological Survey (USGS): Regulation of Activities and Facilities on the Outer Continental Shelf of the United States. (18 DEC 1980)
5. USCG-U.S. Fish and Wildlife Service (F&WS): Participation in Pollution Incidents. (24 JUL 1979)
6. USCG-National Institute for Occupational Safety and Health (NIOSH)-Occupational Safety and Health Administration (OSHA)-EPA: Guidance for Worker Protection During Hazardous Waste Site Investigations and Cleanup and Hazardous Substance Emergencies. (18 DEC 1980)
7. DOT-Department of Interior (DOI): Responsibilities Under the National Oil and Hazardous Substance Pollution Contingency Plan. (16 AUG 1971)
8. USCG-U.S. Navy (USN): Cooperation in Oil Spill Cleanup Operations and Salvage Operations. (15 SEP 1980)

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- 7.B.4.b. (3) The location of the discharge and water body involved;
- (4) The cleanup contractor selected; and
- (5) The time cleanup commenced and estimated duration.

The OSC shall ensure that expenditures from the fund remain within the limit of the expenditure authorization. Requests to increase authorized expenditures must be promptly communicated to the district Fund Administrator, following procedures in Annex G of the District Operation Plan (OPLAN).

- c. Supervising Federally-Funded Removal Operations. The OSC shall supervise all operations supported by federal funds directly. In all federally-funded operations, the "appropriateness" of the actions taken will include consideration of the resulting costs to the federal government. Supervision of field operations will be in accordance with the OSC's Pollution Response Bill detailed in local contingency plans. Supervisory functions include:

- (1) Coast Guard supervision of each operational site where a federally-funded cleanup is being performed;
- (2) Ensuring that the OSC's instructions and priorities are carried out and that recommended changes are forwarded to the OSC;
- (3) Daily completion of the Pollution Control Contractors Daily Report, Form CG-5136, to record contractor activities and use of resources (see subparagraph 7.B.6.c.(2) below);
- (4) Maintaining daily records of activities and use of resources by other federal, state, or local agencies whose costs may be reimbursed with federal pollution funds; and
- (5) Advising the contractor's foreman of unsafe, unauthorized, or unsatisfactory operations.

5. Determining Removal Completeness. Whether the polluter or the federal government conducts the removal, the OSC determines removal completeness and authorizes termination of operations. Where uncertainty exists, the OSC may seek the advice of the RRT in making this determination. Generally, for oil discharges, removal is "complete" when:

- a. There is no longer any detectable oil present on the water, adjoining shorelines, or places where it is likely to reach the water again; or
- b. Further removal operations would cause more environmental harm than the oil to be removed; or
- c. Cleanup measures would be excessively costly in view of their insignificant contribution to minimizing a threat to the public health or welfare, or the environment; and

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- 7.B.5. d. Activities required to repair unavoidable damage resulting from removal actions have been performed.

6. Documenting The Response.

a. General. Pollution incident documentation serves to:

- (1) Inform response personnel at other organizational levels and agencies, through the mechanism of pollution report (POLREP) messages;
- (2) Provides the evidentiary basis to support the imposition of civil or criminal sanctions (see volume V of this manual);
- (3) Document federal expenditures for recovering costs from the responsible party;
- (4) Document OSC decisions and actions throughout the incident; and
- (5) Forecast program resource levels needed for pollution response.

Each OSC shall comply with the documentation requirements listed below in addition to those detailed in volume V of this manual.

b. Reports Required For Every Incident.

- (1) POLREPS. POLREPS are required for every spill or potential spill. The COTP shall submit a POLREP for each reported incident to the district commander, with information copies to appropriate agencies; subsequent POLREPS should be sent as significant developments occur. The NRC and Commandant (G-WER) shall be information addressees on all messages reporting medium or major spills as defined in the NCP (40 CFR 300.6) for oil, and in paragraph 7.C.7 below for hazardous substances. Figure 7-7 provides a general POLREP format.
- (2) MSIS Marine Pollution Product Set (MSIS-MP). Data entries shall be made in the MSIS-MP whenever: a report is received of a discharge or release in a location where the Coast Guard acts as predesignated OSC; Coast Guard forces respond to a discharge or release as OSC or as first federal official; or Coast Guard forces respond at the request of an EPA or Department of Defense (DOD) OSC when those agencies are the predesignated OSC. Detailed instructions for entering MSIS-MP data is located in COMDTINST M5230.18 and its enclosure, the Marine Pollution Transaction Guide (MSIS-8).
- (3) Port And Environmental Safety (PES)/Marine Environmental Response (MER) Quarterly Activities Report (QAR), Form CG-4957, RCS-WP-14013. The Coast Guard OSC shall tabulate pollution incident totals, staff hours expended, and resources used as required by chapter 12 of volume I of this manual. The QAR

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FIGURE 7-7

GENERAL POLREP FORMAT

(PRECEDENCE/DTG)

FM

TO

INFO [*1]

ACCT CG-W2GZZZ

BT

UNCLAS//N16465//

POLREP (#) (Type of Pollutant) (Magnitude of Spill [*2])

(Source [*3]) (Waterway/s involved)

(Unit case number) (Federal Project Number (FPN), if applicable [*4])

1. SITUATION

A. (Local time and notification information). Give names and telephone number or radio frequency.

B. (Local time when investigator is on scene). Give description of spill and status of cleanup. For federally-funded response operations, include the latest estimate of funds expended.

C. (On-scene weather conditions).

D. (Particulars of vessels/facilities involved).

2. ACTION.

A. (List chronologically every major action taken by the Coast Guard with regard to spill).

3. PLANS/RECOMMENDATIONS.

A. (Give appropriate information).

4. CASE PENDING/CLOSED. (NO) VIOLATION REPORT TO FOLLOW (OR REASON WHY NO VIOLATION REPORT TO FOLLOW).

NOTES: 1. Routing should be as specified in the RCP. In addition, include the NRC and Commandant (G-WER) as info addressees on actual or potential medium and major spills only. Include EPA Headquarters Emergency Response Division (TWX #710-8229269) and Commandant (G-WER) as info addressees on all spills with CERCLA-funded removals.

2. Magnitude of spill: potential, minor, medium, or major.

3. Source: Name of vessel or facility believed to be source. For foreign vessels, include nationality.

4. Federal Project Number (FPN): 311(k) Account # or CERCLA Account #.

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- 7.B.6.b. (3) (cont'd) serves as the basis for operational analysis, facilities planning, and budget programming for Coast Guard units performing response activities. Directions for preparing and submitting the form are contained in the instruction.

c. Documentation Required For Federally-Funded Removal Actions. Each Coast Guard OSC shall maintain daily records and associated costs of all personnel, equipment, supplies, and services used during federal removal actions. Also, know the types of activities that are reimbursable to a federal or state agency from the Section 311(k) Pollution Fund described in paragraph 7.B.7 below, and document these activities accordingly. As the basis for cost recovery from the polluter and proper administration of the fund, the accuracy of documentation pertaining to federal expenses incurred during removal operations cannot be overemphasized.

(1) Documenting Contractor Costs.

- (a) Daily Work Orders. Each Coast Guard OSC shall issue daily work orders to the contractor for the next day's work specifying authorized work force and equipment, precedence for jobs and locations, and special instructions. Responsible Coast Guard supervisors will ensure compliance with these orders and, if necessary, recommend changes to the OSC.
- (b) Pollution Control Contractor Daily Report, Form CG-5136. Form CG-5136 shall be completed by the OSC's representative supervising the site of operations. The form shall show all personnel and equipment employed at the scene. Overtime work performed by the contractor or subcontractor must be preauthorized by the OSC and recorded on the form. Also, record all quantities of recovered product and specify quantities suitable for sale or reclamation. The OSC's copy of the form shall be signed by the contractor and maintained for verification of contractor invoices. It is generally recommended that the OSC's supervisor at each scene of operations complete the form for activity at that site. The information required on the form shall be based on activity logs maintained throughout the day. Frequent comparison with the contractor foreman's records will minimize and help resolve discrepancies in preparing the form.
- (c) OSC Certification Of Invoices. Timely certification of the invoices submitted by contractors will enable them to minimize their debt level, and will enable the Coast Guard to recover cleanup costs more effectively. Each invoice certified must bear, or be an enclosure to a statement from the OSC that the invoice has been reviewed. The format for this certification shall be provided by the district commander. As a minimum, it shall contain the statement

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7.B.6.c.(1)

(c) (cont'd)

"I certify that [except as noted below] the services and materials were authorized and received by me in conjunction with Phase III oil removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund. [The following services and materials were not authorized by me and are not proper for payment from the Pollution Fund.]"

and shall be signed by the OSC. Charges for time and materials not properly recorded on Form CG-5136 shall not be certified by the OSC for payment unless a discrepancy between the final invoice and the form is clearly due to Coast Guard error. On each invoice, the OSC shall state that the services and materials (except as noted) were authorized and received during removal actions. The OSC shall promptly forward certified invoices to the district commander for verification that costs charged are reasonable and payable from the fund.

- (2) State And Other Federal Agency Costs. Federal and state agencies shall submit records of expenses for activities performed to the district commander via the OSC. It is recommended that the OSC use Form CG-5136 to document daily personnel and equipment used by other agencies. Based on these daily records, the OSC shall certify requests for reimbursement from other federal or state agencies in the format shown in 33 CFR 153.417(b)(1) or (2). The OSC shall promptly submit certified records to the district commander and maintain copies to prepare the cost summary sheets.

- (3) Cost Summary Report. Within 30 days following the completion of removal operations at a federally-funded removal, the OSC shall submit a cost summary report documenting expenses recoverable from the polluter, and payments made from the Pollution Fund to contractors and federal or state agencies (see paragraph 7.B.7 below). This cost summary report should include a brief summary of the response and a general description of the function performed by each agency or contractor with costs incurred. This response summary is not required if an OSC report is also completed for an incident (see subparagraph 7.B.6.d below). Requests for reimbursement of Coast Guard out-of-pocket expenses should be submitted following district procedures.

- (a) Costs Reimbursable To The Pollution Fund. These are costs recoverable from the polluter. As specified in the Comptroller Manual (COMDTINST M7300.4 (Series)), Volume I, summarize estimated expenditures into the following categories:

- (i) Access control costs;

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7.B.6.c.(3)(a)

- (ii) Coast Guard-owned equipment;
- (iii) Coast Guard personnel;
- (iv) Travel, per diem, contracted quarters, and subsistence;
- (v) Purchase orders;
- (vi) Contractor costs;
- (vii) State and other federal agency costs; and
- (viii) Pollution removal damage claims (see Chapter 14, COMDTINST M5890.9).

Figure 7-8 describes each category. A sample cost summary report is shown in Figure 7-9. Documentation to support all costs included in the cost summary report should be included as an enclosure to that report. This documentation would include all daily work orders; Pollution Control Contractor Daily Reports, Form CG-5136; boat/aircraft or personnel logs; purchase orders and/or contracts; invoices; notifications to suspected dischargers, including notice of federal interest and notice of federal assumption; and any other documentation that supports the costs included in the report.

- (b) Payments From The Pollution Fund. Summarize payments that have been made from the Pollution Fund to pay contractor invoices or reimburse agency expenditures as a result of the incident. Do not duplicate the detailed documentation supporting the recoverable costs indicated above; it is sufficient to list payments made and proof of payment. Payments from the fund will be summarized as follows:

- (i) Travel, per diem, contracted quarters;
- (ii) Operational costs for removal and support equipment;
- (iii) Personnel costs (nonresponse personnel, etc.);
- (iv) Purchase orders;
- (v) Contractor costs;
- (vi) State and other federal agency costs; and
- (vii) Pollution removal damage claims (see 33 CFR 25, Subpart H).

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FIGURE 7-8

OSC PREPARATION OF COST SUMMARY SHEETS

Supporting documentation for each category below should indicate that the costs incurred are directly related to the removal effort. Where applicable, state exact dates and hours of personnel and equipment use. Use COMDTINST 7310 (Series) to compute standard rates for Coast Guard personnel and equipment. More detailed guidance on the costs included in each of the below categories is found in the Comptroller Manual (COMDTINST M7300.4), Volume I. Figure 7-9 contains examples of each summary sheet category.

<u>CATEGORY</u>	<u>DESCRIPTION</u>
ACCESS CONTROL COSTS	Expenses for limiting access to an area including vessel traffic services (VTS). Summarize the reason for limiting access prior to itemizing the costs of establishing, maintaining, replacing, and removing equipment for limiting access.
USCG-OWNED EQUIPMENT	Hours, costs for all vessels, aircraft, vehicles, and response equipment used during the actual response operation. Only include those hours devoted to the response. For pollution response equipment, separately itemize charges for: fuel used to operate equipment; transporting the equipment to and from the job site including fuel; and refurbishment cost when performed by a contractor. Consult the district comptroller for assistance in calculating these costs.
USCG PERSONNEL SALARIES	The name, rate, dates, hours, and wages of personnel devoted to the response effort. List USCG regular, Reserve, civilian, and Strike Force personnel separately.
TRAVEL AND PER DIEM	The date of the voucher, the amount, and the TONO or bureau schedule number. When the receipt does not clearly indicate the reason for the expenditure, include a short explanation.
PURCHASE ORDERS	The date of the voucher, the amount, and the Purchase Order number. Small nonexpendable items procured for the response that are retained by the Coast Guard should include a depreciation factor.
CONTRACT COSTS	The firm, the contract number, the amount of payment made and the estimated invoiced amount.
STATE AND OTHER FEDERAL AGENCIES	Include a summary of each agency's expenses. All invoices included as supporting documentation must be certified by the OSC with the endorsement in 33 CFR 153.417.
POLLUTION REMOVAL DAMAGE CLAIMS	Cost and nature of damage claims, settled or pending, that resulted from damages directly related to the removal operation. Separate efforts of a contractor to restore private property from the general contract costs (see Chapter 14, COMDTINST M5890.9 and 33 CFR 25, Subpart H).

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FIGURE 7-9

SAMPLE COST SUMMARY SHEET ENTRIES

The following is an example of a cost summary sheet for a medium oil pollution incident. It is intended only to provide an example of the types of information to be included in each section of the sheet. It is important to note that documentation to support each category of the cost summary sheet must be attached to the sheet.

M/V CLEAN SWEEP PIC 1-O-0098

The following is a summary of the costs incurred during the federal removal action initiated by COTP Houston for a 16,000 gallon #2 oil spill from the M/V CLEAN SWEEP into Houston Ship Channel on 13 May 1986. Expenses totalling an estimated \$108,413.39 are reimbursable to the Pollution Fund. Approximately \$44,335.01 was paid from the Pollution Fund to finance the response. These expenses are noted by an asterisk.

1. Access Control. The following costs were incurred for enforcing a safety zone that was established by COTP Houston to control marine traffic in the vicinity of cleanup activities resulting from the oil discharge from the M/V CLEAN SWEEP. This safety zone was in effect from 13 - 15 May 1986. Detailed documentation of boat hours is available from COTP Houston boat logs (copies attached).

32 ft. PWB	37 hrs. @ \$315	\$11,655.00
CGC POINT HERRON	28 hrs. @ \$274	\$7,672.00
TOTAL ACCESS CONTROL COST		\$19,327.00

2. USCG Equipment Expenses. The following expenses were incurred by COTP Houston, the Gulf Strike Team, and AIRSTA Houston during the response to the oil discharge from the M/V CLEAN SWEEP. These costs were incurred in providing transportation for Coast Guard personnel to and from the scene of the incident, to conduct overflights of the affected area, and to support Gulf Strike Team response equipment that was used due to the unavailability of commercial equipment. Detailed documentation is available from COTP Houston vehicle logs, AIRSTA Houston logs, and the Gulf Strike Team Incident Summary (copies attached).

<u>Aircraft</u>		
HC-130	6 hrs. @ \$3,618	\$21,708.00
HH-52A	8.5 hrs. @ \$2,065	\$17,552.50
<u>Vehicles</u>		
Auto Lic. #GS 12-1532	3 days @ \$9	\$27.00
	178 miles @ \$.11	\$19.58
Pickup Lic. #GS 12-8987	3 days @ \$7	\$21.00
	132 miles @ \$.17	\$22.44
Tractor Lic. #GS 17-5647	3 days @ \$9	\$27.00
	38 miles @ \$.47	\$17.86

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FIGURE 7-9 (cont'd)

2. USCG Equipment Expenses (cont'd)

Oil Pollution Response Equipment

ADAPTS	8 hrs. @ \$103	\$824.00
Skimming Barrier	8 hrs. @ \$146	\$1,168.00
Biomarine O ₂ /CGI	12 hrs. @ \$7	\$84.00

TOTAL USCG EQUIPMENT EXPENSES \$41,471.38

3. Personnel Expenses. The costs listed below cover the personnel from COTP Houston and the Gulf Strike Team that were involved in supervising the federal removal activities or operating Coast Guard response equipment. Detailed documentation for these costs is available in the daily work logs (copies attached).

Regular

LT SMITH	21 hrs. @ \$32	\$672.00
MK1 JONES	26 hrs. @ \$22	\$572.00
MST2 POPE	26 hrs. @ \$15	\$390.00
BM3 SCOTT	16 hrs. @ \$15	\$240.00

Strike Team

MKC JOHNS	19 hrs. @ \$22	\$418.00
BM1 JONES	19 hrs. @ \$22	\$418.00
BM2 JACKSON	19 hrs. @ \$15	\$285.00
MK2 STEVENS	19 hrs. @ \$15	\$285.00

Reserve TEMAC

None

Civilian

None

TOTAL PERSONNEL COSTS \$3,280.00

4. Travel And Per Diem Expenses. The following expenses were incurred by the Gulf Strike Team personnel that were deployed away from their home unit to operate Coast Guard-owned pollution response equipment. Documentation to support these expenses is attached.

15 May 1986	MKC JOHNS	TONO D628143	\$238.12
15 May 1986	BM1 JONES	TONO D628144	\$238.12
15 May 1986	BM2 JACKSON	TONO D628145	\$238.12
15 May 1986	MK2 STEVENS	TONO D628146	\$238.12

TOTAL TRAVEL AND PER DIEM EXPENSES \$952.48*

5. Purchase Orders. The following expenses were incurred purchasing small equipment items expended during the response to the oil spill from the M/V CLEAN SWEEP. Copies of contracts and SF-44's that document these purchases are attached.

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FIGURE 7-9 (cont'd)

5. Purchase Orders (cont'd)

13 May 1986	Joe's Boat Works	PO #37-5560	\$37.50
14 May 1986	Frank's Junk Shop	PO #37-5567	\$50.00

TOTAL PURCHASE ORDER EXPENSES \$87.50*

6. Contract Costs. The following costs were incurred by contractors conducting oil removal operations under contract to the Coast Guard resulting from the spill from the M/V CLEAN SWEEP. Documentation to support these costs include contracts, contractor invoices, daily work sheets, daily work orders, and other associated documents (copies attached).

Firm/Contract Number	Invoice Received, Certified, and Forwarded to District
Ajax Oil Pollution Service DTCG 08-15788	\$37,512.15
Sea-Sweep Marine DTCG 08-15790	\$3,215.38

TOTAL CONTRACT COSTS \$40,727.53*

7. State/Federal Agency Expenses. The following costs were incurred by the U.S. Fish and Wildlife Service, U.S. Department of the Interior (DOI), to provide specialized assistance in the area of mitigation of estuarine damage resulting from the oil spill from the M/V CLEAN SWEEP. This assistance was requested by the OSC and was outside the normal support provided by DOI through their RRT representative. Documentation to support these costs include the U.S. Fish and Wildlife Service letter of 1 June 1986 (copy attached).

U.S. Fish and Wildlife Service, Albuquerque, NM	\$1,217.50
---	------------

TOTAL STATE/FEDERAL AGENCY EXPENSES \$1,217.50*

8. Pollution Removal Damage Claims. The following damage claim covers the cost of repairing damages to the property of Mr. Joe Smith that were incurred when oil cleanup equipment was staged and deployed from his property. Mr. Smith's property was the only property available for use in equipment deployment. Documentation of the damages incurred and repair costs is attached.

Mr. Joe Smith	\$1,350.00
---------------	------------

TOTAL POLLUTION REMOVAL DAMAGE CLAIMS \$1,350.00*

Encl: (1) Notice of Federal Interest	(6) Purchase Orders and SF-44's
(2) Notice of Federal Assumption of Response Activities	(7) Contractor Invoices and Supporting Documentation
(3) Excerpts From COTP Houston Logs	(8) DOI Letter of 1 June 1986
(4) Excerpts From AIRSTA Houston Logs	(9) Damage Claim of Mr. Joe Smith
(5) Gulf Strike Team Incident Summary	

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7.B.6. d. Reports Of Major Pollution Incidents. The NCP requires the OSC to submit an OSC Report to the RRT and NRT, via Commandant (G-WER), within 60 days of completion of removal operations for all major pollution incidents, or when requested by the RRT. The district commander shall ensure that a copy of the OSC's report for each major pollution incident is forwarded, with appropriate endorsements, to Commandant (G-WER) and the cognizant strike team(s) within 75 days of the conclusion of the incident. Reports for other than major incidents, should be submitted to Commandant (G-WER) whenever the reports contain information that may be useful for general program planning. The format should include the information specified in the NCP (40 CFR 300.40), with the following information as enclosures:

- (1) Maps, charts, or diagrams of the areas affected by the spill;
- (2) MSIS-MP screen images;
- (3) All POLREPS;
- (4) Radio, telephone, and other applicable logs;
- (5) Copy of cost summary report (for federally-funded removal);
- (6) Photographic documentation of response, arranged chronologically; and
- (7) Any other documentation necessary to supplement the information contained in the OSC report.

e. District Requirements. District (mep) offices should review all documentation forwarded by OSC's for completeness and accuracy. They should also act as the consolidation point for all documentation applicable to a federally-funded removal action for use in cost recovery activities. The information at the district office should include the OSC report (when applicable), the cost summary report, all documentation that supports the costs incurred on the case, any FWPCA violation reports and associated civil or criminal penalty correspondence, any officer in charge, marine inspection (OCMI)/COTP investigations and/or proceedings arising from the case, and any other documentation related to the case that may be necessary to support cost recovery actions.

7. Use Of The FWPCA 311(k) Pollution Fund.

a. General. The primary purpose of the Pollution Fund is to provide a source for financing federal removal operations when an oil discharger is unknown, does not act promptly, or is unwilling to undertake necessary response actions. The types of activities that may be charged to the Pollution Fund have been subject to varying interpretation. Discovery, notification, and monitoring expenses are considered operating expenses of the Coast Guard. Although the cost of monitoring is a cost of doing business when the discharger takes

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7.B.7. a. (cont'd) responsibility, the cost of supervising federal removal efforts is chargeable to the discharger, and under certain conditions reimbursable to an agency, when a federal assumption of control is made. 33 CFR 153.407 lists response activities that may be funded by the Pollution Fund, either by direct payment from the fund or through reimbursement to a federal or state agency. [NOTE: Direct payment may not be made to state contractors.] Normal pollution response operating expenses, such as response personnel salaries and equipment maintenance, cannot be reimbursed from the fund. These costs, however, in addition to all expenses incurred during federal removal operations, are recoverable from the polluter. Figure 7-10 summarizes the types of expenses that are reimbursable from the Fund and/or recoverable from the polluter. It is the responsibility of each NRT/RRT member agency to plan and formally assign employees to perform discharge response duties as a matter of routine. However, if a particular pollution incident requires agency personnel not normally detailed to respond to perform response duties, the normal salaries of such personnel are subject to reimbursement from the Pollution Fund. The sole purpose of this policy is to provide the OSC with access to assistance from agencies that are unable to assign their personnel to response duties unless their salaries are reimbursed. An example would be certain personnel in the F&WS who, although they are F&WS employees, are in a position totally funded by the U.S. Army Corps of Engineers (USACE) and fully committed to a USACE-sponsored task. If those personnel are withdrawn from the USACE-sponsored task to assist in response activities, their salaries must be paid through other means during the time they are diverted. As a general rule, the 311(k) Fund shall not be used for response to hazardous substance incidents. Although there are some situations where the Pollution Fund could be used to fund removal costs (e.g., the discharge of a substance listed in 40 CFR 117 into navigable waters), the Coast Guard and EPA have agreed that, whenever possible, the CERCLA Trust Fund will be used for hazardous substance response. In any case, the 311(k) fund shall not be used for response to hazardous incidents without prior Commandant (G-WER) approval. Subparagraphs 7.B.7.b and c below cite specific expenditures that are reimbursable from the fund and/or recoverable from the polluter. To ensure proper use of the fund, the following policies shall also apply:

- (1) The Pollution Fund may not fund the removal of pollutants discharged from a vessel or facility owned or operated by the United States. The OSC may, however, use the fund for removal operations when the discharge is from an unknown or a nonfederal source and impacts federal lands or property. In addition, the Coast Guard may fund cleanup actions involving a public vessel or federal activity from the Operating Expense Appropriation, using the OG-80.00 reimbursement technique, when requested by the responsible federal agency, or when the urgency of the situation demands immediate action (see COMDTINST M7300.4, Comptrollers Manual).

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FIGURE 7-10

REIMBURSABLE/RECOVERABLE EXPENSES UNDER THE FWPCA

TYPE OF COST	COVERING	METHOD OF FUNDING	RECOVERABILITY
EXPENSES OF FEDERAL RESOURCES NORMALLY USED FOR RESPONSE	Observation, monitoring, providing guidance and advice when there is no federal removal activity.	CG funds not reimbursable from the Pollution Fund.	Not recoverable from polluter.
	Personnel costs (OSC and staff, members of Special Forces, etc.), pollution equipment depreciation, routine maintenance, expendable materials, and supplies (e.g., sorbents) associated with federal removal operations.		Recoverable from the polluter.
PAYMENTS TO COMMERCIAL CONTRACTORS OR VENDORS	Containment, countermeasures, clean-up and disposal.	Chargeable directly to the Pollution Fund.	
EXPENSES OF FEDERAL RESOURCES NOT NORMALLY USED FOR RESPONSES	(1) Overhead costs of industrial facilities. (2) Reimbursements required by law. (3) Costs specifically and directly incurred as a result of removal activity, such as travel costs (transportation and per diem), increased maintenance costs of equipment, fuel, supplies and materials, equipment rental or lease, and temporary employment (e.g., CG Reservists recalled specifically for the response effort, civilian overtime).	CG funds reimbursable from the Pollution Fund.	
POLLUTION REMOVAL DAMAGE CLAIM	Damage to or loss of property resulting from activities conducted under Phase III operations if: (1) Caused by the United States, its employees, agents, or contractors; and (2) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable. Not payable if: (1) For death or personal injury; or (2) Claim arises out of incident involving discharge or discharge threat from a U.S. or foreign public vessel or federally-controlled facility.	Chargeable to the Pollution Fund.	

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- 7.B.7.a. (2) No agency's expenses are reimbursable unless a federal removal activity has been declared, the fund has been activated, and those agency services have been requested by the OSC. In the case of a partial federal removal, only those expenses incurred specifically to support the federal removal activity are reimbursable.
- (3) Federal agency salaries shall not be reimbursed if such a transaction would result in transfer of funds from the Pollution Fund to the U.S. Treasury (General Fund).
- (4) The Pollution Fund may be used to procure nonexpendable equipment when the OSC determines it is necessary for the removal. Requests for procurement of nonexpendable equipment shall be transmitted to the district commander prior to purchase.
- (5) Federal and state agencies are entitled to replacement or repair costs for nonexpendable equipment that is damaged while under the administrative control of the OSC, provided the damage did not occur as a result of negligence on the part of the parent agency or its appointed agent. It is not intended, however, that the Pollution Fund be used to replace the normal budget process by funding replacement of major acquisition items which are accidentally damaged (e.g., an aircraft crashes during support operations for a response activity).
- (6) Normally, federal agencies should use their own funds, subject to reimbursement from the Pollution Fund. The OSC may, however, authorize the procurement of supplies, equipment, or services with costs charged directly to the fund.
- (7) Damage assessment studies, other than those the OSC determines are necessary to conduct a proper removal (e.g., efforts to identify environmentally sensitive areas or evaluate alternate defensive measures), are not chargeable to the Pollution Fund.
- (8) Salaries of Coast Guard Reserve personnel called to active duty specifically to assist in a federal removal activity are reimbursable. Cases in which Reservists are likely to be employed would be those having an acute need for additional personnel (e.g., a large discharge area in which a great number of supervisors are required). However, while it may be desirable to utilize Reserve personnel to supplement the OSC staff for other than discharge-related duties during a particular incident, or to monitor the cleanup actions of responsible parties, salaries of such employment are not reimbursable from the Pollution Fund. Further, it is inappropriate to attempt to alleviate chronic shortages of personnel within the Coast Guard or other federal agencies through the use of the Pollution Fund.
- (9) To receive reimbursement and to provide proper documentation for cost recovery, each agency is responsible for providing

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- 7.B.7.a. (9) (cont'd) documentation to the OSC in the manner prescribed by the Pollution Fund administrator (the Coast Guard). Procedures compatible with these requirements, which will enhance coordinated federal response activities, shall be included in the RCP.
- b. Reimbursable Activities. The following types of removal costs incurred by federal or state agencies and authorized by the OSC may be reimbursed from the Pollution Fund:
- (1) Costs incurred by government industrial facilities, including charges for overhead;
 - (2) Actual costs for which an agency is required or authorized by law to obtain full reimbursement; and
 - (3) Costs incurred during removal activities not normally funded by regular appropriations, including:
 - (a) Transportation costs incurred in delivering equipment to and from the scene;
 - (b) Travel and per diem for the OSC and personnel required to deploy and maintain federally-owned equipment;
 - (c) Replacement costs for expendable materials provided and utilized, including fuel for vessels, aircraft, or vehicles used at the OSC's request in support of response activities;
 - (d) Supplies, materials, and minor equipment procured specifically for recovery activities;
 - (e) Incremental operating and contract costs incurred in providing assistance to the OSC;
 - (f) Rental costs, as approved by the parent agency, for nonexpendable removal and support equipment including the refurbishment, repair, and replacement costs;
 - (g) Salaries of personnel not routinely part of response efforts but specifically requested by the OSC (including Coast Guard Reservists called to active duty to assist in supervising federal removal activities).
 - (h) Travel and per diem for RRT members to attend meetings specifically convened to provide OSC support during federally-funded oil discharge removal.
- c. Recoverable Costs. The discharger incurs liability, up to the discharger's legal limit of liability, for all actual costs associated with the federal removal following the federal assumption of response activities. Recoverable costs include:

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- 7.B.7.c. (1) Direct expenditures from the fund (i.e., payment of contractors or vendors);
- (2) All reimbursable expenses listed in subparagraph 7.B.7.b above;
- (3) All personnel costs, including response personnel salaries;
- (4) Equipment costs, including depreciation and maintenance;
- (5) Administrative overhead (included in standard rates for subparagraphs 7.B.7.c.(3) and (4) above in COMDTINST 7310 (Series)); and
- (6) Pollution removal damage claims referred to in subparagraph 7.B.6.c.(3)(a)(viii) above.
- d. Damage Assessment Studies. A question is often raised as to whether the Pollution Fund (established under 33 U.S.C. 1321(k)) may be used to pay for damage assessment studies in preparation for potential claims which may be filed for oil pollution damage. It has been determined that the Pollution Fund is not available for damage assessment studies. However, it is recognized that some form of limited scientific inquiry, which may be supportive of damage assessment efforts, may be required to assist the OSC in the performance of Phase III (Subpart E, NCP) activities. Efforts to identify particularly environmentally-sensitive areas and to evaluate alternate countermeasures are Phase III activities and, therefore, may be funded from the Pollution Fund. The funding of scientific actions other than those that are requested by the OSC and that directly support Phase III (Subpart E, NCP) activities, such as scientific investigations or damage assessment studies, shall be provided by the agency having legal responsibility for such activities and are not payable from the Pollution Fund.
- e. Expenditure Limits. For each incident, the OSC may commit up to \$50,000 from the fund without preauthorization from the district commander; amounts over this limit must be requested from the cognizant district commander. The district commander may authorize expenditures up to \$1 million for each incident (see 33 CFR 153.105(a)). Authorization for expenditures over \$1 million must be obtained through Commandant (G-WER).

C. Procedures Unique To Hazardous Substance Releases.

1. General. Response to hazardous substance releases are, in many respects, similar to responses to oil discharges. There are, however, significant differences. The nature of the hazards posed by such releases requires a much more cautious approach. Personnel involved in hazardous substance response must be properly trained and equipped to carry out the necessary response functions.

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7.C.1. a. Hazardous Substance Response Functions. These functions include:

- (1) Carrying out traditional COTP response measures such as restricting access to the affected area, controlling marine traffic, notifying affected facilities, coordinating with state and local agencies, and assisting as resources and capabilities permit;
- (2) Conducting a preliminary assessment of the incident;
- (3) Identifying potentially responsible parties and informing them of their potential liability for removal costs, explaining the Coast Guard's role as OSC, and gathering information for response and port safety purposes;
- (4) Carrying out "first aid" mitigation measures if the situation warrants;
- (5) Monitoring cleanup actions of responsible parties to ensure that appropriate action is taken; and
- (6) If required, initiating appropriate federal removal or remedial actions.

b. Use Of CERCLA Guidance. This section describes the more important and unique aspects of a hazardous substance response under CERCLA. Its use requires a working knowledge of the more detailed information found in:

- (1) Response procedures described in section 7.B above;
- (2) CERCLA and the relevant provisions of the NCP;
- (3) COMDTINST M16465.29, CERCLA Response Authority and Associated Coast Guard Policies;
- (4) COMDTINST M16465.30, Policy Guidance for Response to Hazardous Chemical Releases.

In reading the above extensive policy guidance for carrying out Coast Guard responsibilities under CERCLA, the OSC must not lose sight of the program's foremost objectives to ensure that proper measures are undertaken by the responsible party to mitigate damages from releases; and when appropriate, federal efforts are initiated, then managed and coordinated by the OSC. As hazardous substance response procedures and policies become refined with field experience, the detailed COMDTINST's will be cancelled, with policies of continuing importance incorporated into this section. Basic CERCLA response procedures can be contrasted to an FWPCA response by comparing the flowcharts shown in Figures 7-1 and 7-2.

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7.C.1. c. Levels Of Response Capability.

- (1) The program goal is that COTP's predesignated as OSC's shall be capable of performing the functions described in subparagraph 7.C.1.a above. Performing these functions may require persons to enter contaminated environments. However, the actual level of response capability to be maintained at a unit must be based on the risk of chemical releases occurring in the OSC's zone and the mix of industry, state, local, and other federal response capability already in place.
 - (2) In those zones where the district commander and OSC determine there is a significant risk of chemical releases, and the existing response capability (Coast Guard and others) within these zones are inadequate, units shall develop Level A or B entry capability. When this is not possible because of insufficiently trained personnel or inadequate protective equipment, as detailed in COMDTINST M16465.30, the OSC shall seek the necessary additional resources and adopt a conservative response posture until these requirements are met. OSC's with jurisdiction over zones where the risk of a chemical release is low shall maintain a conservative response posture.
 - (3) Units maintaining a conservative response posture shall carry out all of the above OSC functions not requiring entry of unit personnel to hazardous environments. In situations requiring entry to hazardous environments, these units shall rely on capabilities of the Strike Teams, state and local response teams, and commercial resources.
 - (4) The integration of Coast Guard resources with existing response organizations is an important consideration. This means of achieving the required level of capability is appropriate when the existing response organization routinely responds to chemical releases, and they can perform the survey actions (sampling, environmental monitoring, etc.) essential for assessing the hazards presented by a release. Units relying on outside organizations to provide the required response capability must periodically reassess the ability of these organizations to provide an adequate response.
 - (5) It is important to note that, whatever the response capability maintained at the unit, the OSC can not relinquish that responsibility, no matter who is carrying out the actual response, and shall monitor the response as necessary to ensure its adequacy. If a response is not adequate, the OSC shall, to the extent that resources are available, provide advice to responders or assume control of the response.
2. Preliminary Assessment. The OSC may call upon a broad range of resources (RRT members, Special Forces, state/local agencies, industry personnel, information systems, etc.) to assist in determining the risks associated

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7.C.2. (cont'd) with a released hazardous substance. The OSC often does not need to extensively investigate an incident prior to determining the need for response. If the release poses an obvious threat to public health or welfare, or the environment, the OSC should take appropriate actions as rapidly as circumstances dictate. General guidelines for determining whether to conduct an on-scene assessment and for determining the feasibility of removal actions are the same as for oil incidents contained in subparagraph 7.B.2.d above.

a. Determining CERCLA Applicability. CERCLA applies to pollution incidents when the following conditions exist:

- (1) The material is a hazardous substance (see CERCLA, Sec. 101(14)), or a pollutant or contaminant (see Sec. 104(a)(2)) that may present an imminent and substantial danger to the public health or welfare;
- (2) The material is released (see Sec. 101(22)), or there is a substantial threat of release, into the environment (see Sec. 101(8)); and
- (3) The responsible party is not taking proper removal actions.

The OSC is authorized and responsible for assessing releases of any size and for initiating response action under CERCLA 104(a)(1), whenever a release requires a federal removal action. Although the level of response action taken by the unit (active or conservative) will depend on available resources, units predesignated as OSC's shall monitor the response as necessary, no matter who is carrying it out, to ensure its adequacy. The reportable quantity of a substance has no bearing on the Coast Guard's authority to respond under CERCLA. Response authority exists whatever the quantity released or threatened to be released into the environment.

b. Coast Guard, EPA, DOD Jurisdiction. CERCLA geographic jurisdiction is broader than the FWPCA in that it encompasses all environmental media (air, land, groundwater, and surface waters). E.O. 12316, as modified by the Instrument of Redesignation, signed between DOT and the EPA, specifies that the Coast Guard OSC shall respond to hazardous substance releases, or threats of releases, occurring in the coastal zone (specified in RCP's), not involving DOD vessels or facilities, that originate from:

- (1) Vessels (including remedial actions);
- (2) Facilities, other than hazardous waste management facilities, when the release requires immediate action to prevent risk of harm to human life, health, or the environment; or
- (3) Hazardous waste management facilities or other illegal disposal areas, when the Coast Guard OSC determines emergency containment or other immediate removal actions are necessary prior to the

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- 7.C.2.b. (3) (cont'd) arrival of the EPA OSC. [NOTE: The EPA has agreed to respond to these incidents to relieve Coast Guard OSC's within 48 hours of notification. However, ad hoc agreements concerning the time for relief may be made between EPA and Coast Guard OSC's. A "hazardous waste management facility" includes land, structures, appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, whether lawfully or unlawfully.]

Therefore, the Coast Guard OSC's preliminary assessment should include a determination of which agency should ultimately provide the OSC. If the assessment indicates that no cleanup is required or is not feasible, the response may be secured. If it indicates that action is necessary, the OSC must then determine whether an immediate removal is required. If the results of the assessment indicate that federal action may be necessary, but the release does not require any of the actions described above, the appropriate EPA regional office should be advised by the most expeditious means. This request should be confirmed with a message documenting the need for an EPA OSC. In all cases, the Coast Guard OSC shall log the report and include the incident in the QAR and MSIS-MP. The DOD acts as OSC for releases of hazardous substances from their vessels and facilities. When a release from a DOD vessel or facility in the coastal zone affects areas away from the immediate vicinity of the source, the Coast Guard OSC should provide assistance to the DOD OSC as requested. Note that the Instrument of Redelelegation uses the term "immediate removal." The 1985 revisions to the NCP (40 CFR 300.65) deleted the previous differentiation between immediate removals and planned removals, replacing them with one category of removal action. This should not affect Coast Guard response activities, however, since planned removals were rarely performed. OSC's should continue to use the definition of "immediate removal" in the Instrument of Redelelegation when evaluating the need for Coast Guard response actions. Releases not meeting these criteria should be referred to EPA for any necessary follow-up action.

- c. Removal Action Determination. The NCP (40 CFR 300.65) lists factors to consider when determining the appropriateness of a removal action. Generally, a removal action is appropriate when:

- (1) Prompt actions are required to control the release or to mitigate the associated damages; or
- (2) The magnitude of harm or potential harm is sufficient to warrant removal.

"Removal actions" encompass not only the physical cleanup, but actions such as limiting access, recommending evacuation or temporary relocation to the appropriate authorities, collecting samples to determine the source and extent of removal, and disposing of all hazardous substances, pollutants, or contaminants recovered during a removal action. When the OSC determines that immediate action is not

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7.C.2. c. (cont'd) required, a more extensive removal or remedial action may still be warranted. This may occur in situations where the release poses no immediate threat, but action is necessary to reduce or eliminate the potential for harm in the future. In such cases that do not involve vessels, the OSC shall refer the release to the appropriate EPA regional office. Prior to referring a release, however, the OSC should be aware that the administrative procedures for remedial action will require that the referred release compete for funding against a multitude of uncontrolled waste sites across the country. As a consequence, it is unlikely that EPA will respond to a release that affects only a limited area. The OSC must be prepared to conduct immediate removal actions if the situation deteriorates before remedial action can be accomplished. OSC's should recognize this circumstance when they refer releases to EPA for action.

3. Actions Required When The Polluter Is Identified. As is the case with oil spills, the OSC shall make every effort to have the responsible party initiate removal actions, including issuing a Notice of Federal Interest (see subparagraph 7.B.3.a and Figure 7-3 above) and, when appropriate, issue an Administrative Order. Normally, the responsible party will take proper actions and the OSC need only monitor operations as described in subparagraph 7.B.3.b above. CERCLA differs from the FWPCA in that, under certain conditions, it enables the OSC to order the polluter to undertake the corrective measures specified in an Administrative Order (see CERCLA 106(a)). Administrative Orders are most appropriately issued prior to initiating a federal response. Their use is limited to releases, or threats of releases that:

- a. Involve a hazardous substance;
- b. Originate from a facility; and
- c. May pose an imminent and substantial endangerment to the public health or welfare or the environment.

Administrative Orders may not be used when the source of the release is a vessel, or the release involves a pollutant or contaminant. For further guidance as to Administrative Order policy and scope, see Chapter 5 of COMDTINST M16465.29. The OSC shall notify the affected state, or state representative on the RRT, of the intent to issue an Administrative Order. Figure 7-11 outlines a sample Administrative Order.

4. Initiating Federal Removal Operations.

- a. The OSC will use CERCLA funds to pay for removal costs when the responsible party does not conduct proper removal actions, or is unknown, and immediate removal is necessary. A Notice of Federal Assumption of Response Activities should be issued if the polluter is known. As discussed in paragraph 7.A.3 above, for those incidents involving foreign vessels, the Notice of Federal Assumption should also cite FWPCA 311(c) if both statutes apply (i.e., discharge of hazardous substance listed in 40 CFR 117 in a reportable quantity into

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FIGURE 7-11

SAMPLE ADMINISTRATIVE ORDER

Administrative Order issued to: (name of person to whom order is directed).

["This is to confirm the oral order which (OSC representative) of my staff issued to you on (date)."]

Pursuant to Subsection (a) to Section 106 to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Public Law 96-510, Subsection (a) of Section 3 of Executive Order 12316, 49 CFR 1.46(gg), and 33 CFR 1.01-70(d)(2), I am authorized, as Coast Guard On-Scene Coordinator, to issue orders as may be necessary to protect the public health and welfare and the environment. Consistent with the provisions of Section 106 of CERCLA, I may exercise this authority whenever I have determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility.

I have determined that such an endangerment may exist at (location). ["Approximately (amount) of (substance) were released from (source) on or about (time if known, date)" or "There is a threat of a release of (substance) from (facility)."] (Substance) is a hazardous substance as defined by Section 101(14) of CERCLA. Because (substance) is (flammable, acutely toxic, etc.), its ["release" or "threatened release"] may present an imminent and substantial endangerment to the public health or welfare or the environment. Among those who may be subjected to such an endangerment are (the waters of _____, the residents of _____, etc.).

For these reasons, and under the authority referred to above, you are hereby ordered to undertake the measure(s) set forth in enclosure (1) to this letter.

This Administrative Order ["becomes effective at (time) on (date)" or "is effective upon your receipt of this order" or "is effective as of (date oral order issued) upon which (OSC representative) of my staff orally ordered you to undertake the foregoing measures."] You may request, either orally or in writing, that I reconsider this order within 48 hours of its issuance. I may be reached for this purpose at (address, phone). If you wish to appeal my decision on reconsideration, or the order itself, you may do so in writing to (address of District Commander (m)) within 15 days of the issuance of the order. Should you believe that the delay inherent in presenting a written appeal would have a substantial adverse impact on you, you may present an oral appeal to the office of the District Commander (telephone number of District Commander (m)). However, an oral appeal must be followed within 5 days by a written appeal which, at a minimum, summarizes the oral presentation. The act of requesting reconsideration or placing an appeal does not stay this order, but reviewing offices have the authority to take such action if they believe circumstances warrant it.

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FIGURE 7-11 (cont'd)

If you willfully fail or refuse to comply with this order, you will be subject to the following sanction(s). A fine of not more than \$5,000 for each day during which such failure continues may be imposed under Subsection (b) of Section 106 of CERCLA. [Further, should you be found liable under Section 107 of CERCLA for costs incurred by the United States in responding to this incident, you may also be found liable for punitive damages for your failure without sufficient cause to provide the response action ordered above. The amount of these punitive damages will be at least equal to, but no more than three times, the amount of those incurred costs. See paragraph (3) of Subsection (c) of Section 107 of CERCLA.]

In addition to possible penalties for noncompliance with this order, you may be liable under Subsection (a) of Section 107 of CERCLA for the actual costs incurred by the United States in responding to the ["release" or "release threat"] referred to above. [As (OSC representative) informed you, the Coast Guard has initiated a federal cleanup because your actions to date have been determined to be unsatisfactory.] Compliance with this order does not alter your liability for government response costs incurred prior to that compliance.

Please address all inquiries concerning this matter to (name, address, phone number).

Sincerely,

(OSC Signature)

Encl: (1) Action Ordered By OSC

Issued at (unit, address)
on (time, date)

Delivered to (individual, title)
at: (place)
on: (time, date)
by: (person delivering)

[NOTE: Brackets denote portions of the administrative order which vary with the circumstances of the incident and of the issuance of the administrative order. The OSC tailors these portions of the order to suit the existing situation.]

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- 7.C.4. a. (cont'd) navigable waters, the contiguous zone, or other offshore waters under FWPCA jurisdiction). In a similar manner, the same types of resources for federal operations described in subparagraph 7.B.4.a above should be used. The OSC shall supervise the operation as generally described in subparagraph 7.B.4.c above.
- b. Although there are some situations where the 311(k) Pollution Fund could also be used to fund removal costs (i.e., discharge of substance listed in 40 CFR 117 into navigable waters, the contiguous zone, or other offshore waters under FWPCA jurisdiction), the Coast Guard and EPA have agreed that, whenever possible, CERCLA will be used for a hazardous substance response. In any case, the 311(k) fund shall not be used for response to hazardous substance incidents without prior Commandant (G-WER) approval.
- c. Upon determining that a federal removal is necessary, the OSC must notify EPA Headquarters of the estimated costs, and obtain a CERCLA account number and document control numbers. For incidents that occur after working hours and/or on weekends, the OSC should initiate necessary actions and contact EPA the next working day. When notifying EPA, the OSC must provide information on the location and nature of the incident, and the nature of response activities to be performed. Note that the OSC must obtain a new document control number for each contract initiated for a response and each subsequent modification (i.e., if five contractors are involved in a response, five document control numbers must be initially obtained from EPA). If the obligated amount for a contract is increased at a later date, another document control number must be obtained to account for the increase.
- d. CERCLA encourages state and local response actions and can be used to provide reimbursement for certain actions described in Section 111 of the law when certified by the OSC. The EPA (the administrator of the fund) establishes policies that govern what specific costs are reimbursable. Any state that desires to enter into a contract or cooperative agreement to carry out response actions under CERCLA should be referred to the EPA.
5. Determining Removal Completeness.
- a. As a general rule the OSC should pursue removal operations until:
- (1) All environmental and public health and welfare concerns are addressed, and the criteria for initiating a removal action no longer exist; or
 - (2) Substantial cleanup techniques must be employed, after the immediate and significant risk of harm to human health or the environment has been abated, to complete the removal of remaining contamination.

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- 7.C.5. b. In those incidents where the need exists to perform substantial cleanup techniques that require a commitment of resources exceeding the OSC's capability, the OSC shall continue operations to stabilize the situation until arrangements can be made for EPA relief.
- c. When long-term cleanup techniques are not indicated, the OSC's operation should remove harmful concentrations of the pollutant from the environment and properly dispose of them to prevent the need for subsequent removal efforts.
- d. CERCLA 104(c)(1) prohibits response actions in excess of 6-months duration or exceeding \$1 million in response costs (not including costs associated with investigation, monitoring, or damage assessment) unless the following conditions are met:
- (1) Continued response actions are immediately required to prevent, limit, or mitigate an emergency;
 - (2) An immediate risk to public health, welfare, or the environment exists; and
 - (3) Such assistance will not otherwise be provided on a timely basis.

Costs to be included in determining whether the \$1 million limit has been reached include all contractor costs, other federal agency expenses, and all Coast Guard out-of-pocket expenses. Requests to exceed the 6-month time limit shall be made to Commandant (G-WER) via the district. Requests to exceed \$1 million must be made to EPA Headquarters (Emergency Response Division).

6. Entry Into Contaminated Areas.

- a. Response Types. Once the hazards associated with a release are identified, the appropriate level of unit response must be identified, either a conservative response or an active response.
- (1) A conservative response includes all coordination, information collection, and control functions carried out by the OSC that do not require entry of unit personnel into a hazardous environment.
 - (2) An active response is one where Coast Guard personnel must enter an area requiring the use of personal protective equipment. Unit personnel would normally be involved in an active response with on-scene entry only to conduct the following types of activities:
 - (a) Emergency lifesaving rescue;
 - (b) Survey for preliminary assessment and environmental monitoring;
 - (c) "First aid" mitigation actions that must be undertaken before cleanup contractors or the responsible party can arrive on-scene and take action; or

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7.C.6.a.(2) (d) Monitoring or supervision of contractor cleanup activities.

Generally, an initial conservative response, consisting of recommending evacuation to the appropriate authorities and maintaining a safe perimeter, will be undertaken whenever the identity of the released substance(s) is unknown or uncertain. Entry by unit personnel shall not occur unless the pollutant has been identified, associated hazards determined, and the required level of protective equipment established. Active entry shall not occur unless the minimum number of trained personnel and adequate protective equipment is available. Entries will only be carried out by a team trained in chemical response. As a consequence, there will be occasions when a unit will be unable to mount a complete response to a serious incident. This circumstance is preferred to attempting a complex and potentially hazardous job without the necessary staffing, training, and equipment. The above policies notwithstanding, there are occasions that necessitate certain calculated risks be taken to protect the public health and welfare. In such cases, risks to personnel should be reduced to the minimum level possible consistent with the operational situation and shall not be incurred for purely environmental purposes.

- b. Development Of A Response Plan. OSC's shall formulate an incident-specific response plan whenever their preliminary assessment indicates that entry into hazardous areas by response personnel is required. This response plan must cover the following areas:

- (1) The objectives of the on-scene entry;
- (2) On-scene organization and coordination;
- (3) Identification of the hazards present on-scene;
- (4) Personnel protective equipment requirements;
- (5) On-scene work plans;
- (6) Communications procedures;
- (7) Emergency contingency plans;
- (8) Decontamination procedures; and
- (9) On-site safety and health plans.

COMDTINST M16465.30 includes a detailed description of response plan requirements. Note that completion of a response plan as described in this COMDTINST will meet the requirements of the NCP (40 CFR 300.38) for providing a program for occupational safety and health for worker protection at the response scene.

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7.C.6. c. Entry Procedures.

- (1) Personal Safety Practices. The following personal safety practices must be followed by all personnel involved in entries to the hazardous environment:
 - (a) Eating, drinking, chewing gum or tobacco, smoking, etc., are prohibited in the contaminated area. Personnel drinking liquids to replenish body fluids must be thoroughly decontaminated before such actions are authorized.
 - (b) Facial hair that interferes with the mask-to-face seal is not allowed on any personnel required to wear respiratory protection equipment.
 - (c) Prescription drugs should not be taken by entry personnel unless specifically approved by a qualified physician. Consumption of alcoholic beverages shall be forbidden.
 - (d) All entry personnel must be thoroughly familiar with the standard safety procedures and response plan.
- (2) Safety Procedures. The following safety procedures will apply for all entries to hazardous environments:
 - (a) Within the contaminated area, the entry team shall work using the "buddy" system. In addition, a two-person rescue team shall be standing by when Level A or B entries are being carried out.
 - (b) Contact with contaminated surfaces (e.g., puddles, vapor clouds, etc.) should be avoided during an entry.
 - (c) Only essential personnel and equipment should be in the contaminated area. Entries shall occur only after the objective of the entry has been determined.
 - (d) All personnel and equipment leaving the contaminated area must be decontaminated to ensure that contaminants are not spread outside the contaminated area. Personnel decontamination should include a thorough washing of the entire body as soon as practicable after protective clothing has been removed.
 - (e) Entry team members shall be thoroughly briefed prior to each entry. They should also be debriefed after exiting the contaminated area.
 - (f) To maintain accountability for all persons within the response area, persons entering or leaving the response scene should be required to log in and out.

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7.C.6.c. (2) (cont'd) COMDTINST M16465.30 provides a more detailed description of procedures to be followed during entry operations.

7. Documenting The Response. The documentation requirements listed in paragraph 7.B.6 above also apply to CERCLA responses with the exceptions noted below.

a. POLREPS. Include EPA Headquarters (Emergency Response Division, TWX #710-8229269) and Commandant (G-WER) as information addressees when any cleanup is conducted using CERCLA funds. In addition, include the EPA CERCLA account number in the subject line of the message. The magnitude of the release will be specified on the POLREP based on the following guidelines as listed in the NCP (40 CFR 300.6):

- (1) Minor: The release poses minimal threat to public health or welfare or the environment;
- (2) Medium: The release does not meet the criteria for classification as a minor or major release; and
- (3) Major: The release poses a substantial threat to public health or welfare or the environment or results in significant public concern.

Determination of the appropriate size classification for a release should be made by the OSC based on consideration of the particular release (e.g., size, location, impact, etc.). As a matter of practicality, OSC's should classify releases that are less than or equal to the reportable quantity as a minor release unless the release meets the criteria for a higher classification.

b. Cost Documentation And OSC Report. Documentation supporting vendor costs and invoices certified by the OSC must be submitted to EPA in accordance with the requirements of the USCG/EPA MOU (see Figure 7-12). OSC reports and cost summary sheets must be submitted for all CERCLA-funded responses to Commandant (G-WER) via the district commander for forwarding to EPA Headquarters. OSC reports shall also be prepared to document the response to all other major hazardous substance releases. Copies of all OSC reports should also be submitted via the RRT to Commandant (G-WER) for forwarding to the NRT as required by the NCP.

8. Use Of The CERCLA Fund.

a. Introduction. To use the CERCLA Fund, the OSC must determine that:

- (1) The elements of jurisdiction of CERCLA are met;
- (2) The threat or risk of harm posed by the release is significant;
- (3) Prompt action is required to control the source and mitigate associated damages; and

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- 7.C.8.a. (4) Use of Administrative Orders is inappropriate or unsuccessful in compelling the polluter to undertake necessary removal actions.
- b. Funding Vendor Costs. Figure 7-12 provides procedures for funding vendor costs incurred during emergency response to releases or threats of releases. Vendor costs include:
- (1) Contractor costs;
 - (2) Rental of equipment for the response;
 - (3) Supplies and materials; and
 - (4) Equipment (including transportation costs) purchased for the specific incident that will be expended during a response.
- c. Funding Non-Vendor Costs. Non-vendor costs for CERCLA-funded removals (incident specific) are reimbursed from the fund under separate IAA's. Examples of non-vendor costs include:
- (1) Use of Coast Guard aircraft and vessels;
 - (2) Salaries for Coast Guard personnel;
 - (3) Travel and per diem for military and civilian personnel;
 - (4) Salary and overtime costs for civilian personnel;
 - (5) Fuel; and
 - (6) Replacement or repair costs for nonexpendable equipment.
- d. Additional Funding Capabilities. In addition to the costs that are reimbursable under the FWPCA, CERCLA also funds agency costs incurred during a preliminary assessment or while monitoring removal operations conducted by the responsible party. EPA, as fund administrator, determines which costs incurred by agencies during the response will be reimbursed from the CERCLA Fund. Detailed procedures for reimbursement of agency expenses are under development at Headquarters. In the interim, districts have been provided CERCLA funds to reimburse units for out-of-pocket costs incurred for nonfederally-funded (non-incident specific) responses. Reimbursement of out-of-pocket expenses for federally-funded responses must be coordinated through Commandant (G-WER-4).
- e. Expenditure Limits. The OSC may obligate up to \$50,000 for removal costs (including vendor costs and out-of-pocket costs reimbursable to federal/state agencies) without prior approval from the district commander or the EPA. The district commander may authorize amounts in excess of the OSC's limits, up to \$250,000, without prior EPA approval. Requests for authority to obligate CERCLA funds over \$250,000 must be made to the Emergency Response Division, EPA Headquarters.

FIGURE 7-12

MEMORANDUM OF UNDERSTANDING
Between
THE UNITED STATES COAST GUARD
and
THE ENVIRONMENTAL PROTECTION AGENCY
• • •

**A Mechanism for Funding Vendor Costs Incurred by the
U.S. Coast Guard During Emergency Response to Releases
or Threats of Releases of Hazardous Substances**

PURPOSE:

The U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA) agree that a mechanism is required to fund USCG costs incurred during emergency response to releases, or the threats of releases of hazardous substances or pollutants or contaminants. This Memorandum of Understanding establishes the accounting, contracting, and fund management control policies and procedures for USCG response actions.

AUTHORITY:

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (94 Stat. 2796; 42 USC 9615) authorizes the President to respond to releases or threats of releases into the environment of hazardous substances, or pollutants or contaminants which may present an imminent and substantial danger to the public health or welfare. The Executive Order 12316 delegates certain authority and responsibility for response to the Administrator of the EPA and to the Secretary of Transportation. The USCG and the EPA are entering into this agreement in order to carry out their joint responsibilities under CERCLA and the Executive Order.

SCOPE:

The USCG and the EPA agree that vendor costs are costs incurred by the USCG in response to a specific incident of a release, or threat of a release, of hazardous substances.

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FIGURE 7-12 (cont'd)

The vendor costs are only those costs which qualify as allowable uses of the Hazardous Substance Response Trust Fund when the USCG undertakes response activities pursuant to CERCLA, Executive Order 12316, and the National Oil and Hazardous Substances Contingency Plan. Examples of vendor costs include, but are not limited to, the following:

- o contractor and consulting costs;
- o lease or rental of equipment; and
- o supplies, materials, and equipment (including transportation costs) procured for the specific response activity and expended during a response.

Vendor costs do not include USCG out-of-pocket expenses which are:

- o travel and per diem for military and civilian personnel, and overtime costs for civilian personnel;
- o fuel for vessels, aircraft, or vehicles used in support of a response activity; and
- o replacement or repair costs for non-expendable equipment.

Funding for out-of-pocket expenses and other non-vendor costs will be the subject of a separate agreement between the EPA and the USCG.

The Coast Guard will advise all of its District Commanders, predesignated On-Scene Coordinators (OSC), and Regional Response Team members of the terms of this Memorandum. The USCG will provide to EPA a current listing of District personnel who will serve as appropriate contacts for EPA on matters relating to contracting and accounting for response activity.

CONTRACTING AND ACCOUNTING:

The USCG and the EPA agree that the EPA will perform all accounting for vendor costs.

The USCG and the EPA agree that the contracting system used by the USCG for responses to oil and hazardous substance discharges under the authority of Section 311 of the Clean Water Act, shall be used for USCG responses to all releases or threats of releases of hazardous substances or pollutants or contaminants as defined in CERCLA.

Any contracts for immediate removal actions in response to releases or threats of releases of hazardous substances or pollutants or contaminants entered into by the Coast

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FIGURE 7-12 (cont'd)

Guard, where the USCG OSC is acting in the capacity of first responding Federal official, pursuant to the National Contingency Plan, shall remain in effect only during the period that the USCG is the OSC.

Any contract for immediate removal actions in response to releases, or threats of releases, of hazardous substances or pollutants or contaminants, entered into by the Coast Guard pursuant to the authority delegated under Executive Order 12316, and retained by the USCG in Section (c) of the Instrument of Redlegation, executed 3 October 1981 by the Secretary of Transportation and consented to on 9 October 1981 by the Administrator of the Environmental Protection Agency, shall remain in effect only during the period that the USCG is acting under this authority.

The USCG and the EPA agree on the following procedures for coordinating the EPA accounting system and the USCG contracting system.

1. Obtain account number

For each incident where CERCLA funds are obligated, the USCG OSC must obtain a ten-digit account number from EPA Headquarters which identifies a specific site/spill incident. The number is obtained by calling:

Chief, Response Operations Branch
Emergency Response Division
Office of Emergency and Remedial Response
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 382-7917

The USCG OSC will provide an estimate of the response costs concomitant with the request for an account number.

The ten-digit account number will not be issued unless CERCLA funds are available for the response action.

2. Accounting codes

Specific accounting information is required by the EPA Financial Management System in order to process response contracts. There are five categories of accounting and control numbers which must be entered on each contract and financial document. They are:

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FIGURE 7-12 (cont'd)

- Appropriation Number: This number is permanently assigned to the trust fund.

68-20X8145

- Account Number: The ten-digit account number obtained for each incident from EPA Headquarters (see #1). The R and SS portions will vary to identify each separate release incident.

RTFATIRSSS

Where: R = EPA Region where the release occurred
SS = Site/spill identification number

- Document Control Number: The OSC will develop a set of document control numbers for a specific release incident in the following format:

RSSXXX

Where: R = EPA Region where the release occurred
SS = Site/spill identification number
XXX = Contract document number

Each contract entered into relative to each release must have a unique document control number issued in ascending numerical sequence beginning with XXX = 001 for the first contract issued for that release. The R and SS portions are obtained from the Account Number.

For Example: RSS001 for 1st contract and its modifications
RSS002 for 2nd contract and its modifications

- Object Class: This number is permanently assigned.

2535

- Amount of Contract in Dollars

\$ _____

3. Transmit Contract to EPA

In order for EPA to process payments for response contracts, a legible certified true copy of the contract and modifications to the contract must be submitted

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FIGURE 7-12 (cont'd)

by certified mail within 72 hours of award by a USCG District Contracting Officer to the EPA paying offices:

Financial Management Officer
Accounting Operations Office (MD-33)
Environmental Protection Agency
Research Triangle Park
Durham, NC 27711

The USCG will assure that the USCG contract number and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar amount) are clearly and legibly presented on the contract document. The USCG will assure that the EPA accounting codes and USCG contract number are made known to the contractor. The original contract will be retained by the USCG.

4. Process Contractor Invoices

4.1 Contractor Responsibilities:

The contractor will:

- o Send the original invoice to the EPA paying office. The address for the paying office is:
Financial Management Officer
Accounting Operations Office (MD-33)
Environmental Protection Agency
Research Triangle Park
Durham, NC 27711
- o Submit a duplicate copy of the invoice to the USCG OSC.
- o Assure that the USCG contract number and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar amount) are clearly and legibly presented on the invoice and its copy. Contractors submitting invoices for work performed under a contract are to number each invoice sequentially beginning with one (1) and make a notation on the last invoice under the contract with the phrase "FINAL INVOICE."

4.2 USCG OSC Responsibilities:

- o The USCG OSC must certify each correct and proper invoice. A correct and proper invoice is one in which the services performed are acceptable and are consistent with the services billed and the accounting data properly transcribed.

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FIGURE 7-12 (cont'd)

The certification statement to be used by OSC's of both agencies for all CERCLA cases.

"I, _____, certify to the best of my knowledge and belief that the services have been performed and are accepted, and that applicable Pollution Incident Reporting System (PIRS) and EPA Spill Prevention Control and Countermeasure (SPCC) information has been correctly and completely submitted." *

(OSC's Signature)

(date)

- o The OSC will forward by certified mail the accepted and certified invoice, within 72 hours of receipt of the invoice from the contractor, to the EPA paying office (address shown above).
- o The USCG OSC shall not certify invoices which include discrepancies between services performed and services billed. In the event that there are discrepancies in the invoices, the USCG representative shall, immediately upon receipt of the invoice, take appropriate action to notify the contractor and to resolve the discrepancies.

Within 72 hours of receipt of an invoice containing unresolved discrepancies, the OSC shall forward the invoice by certified mail to the EPA paying office (address shown above). The invoice will be endorsed with the following statement:

"This invoice contains unresolved discrepancies. DO NOT PAY THIS INVOICE UNTIL YOU RECEIVE WRITTEN NOTIFICATION THAT THE DISCREPANCIES HAVE BEEN RESOLVED AND THE INVOICE IS REISSUED."

(OSC signature)

(date)

*NOTE: PIRS data, including Chemical Spill Information, shall be submitted in accordance with COMDTINST M16450.25. Revised data submission requirements for EPA will be promulgated when available.

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FIGURE 7-12 (cont'd)

4.3 EPA Responsibilities:

- o The EPA has the responsibility to process contract invoices and to make contract payments in a timely manner. Contract payments are normally made within 30 days after invoice receipt.
- o Payment will be contingent on the EPA paying office receipt of the original invoice from the contractor and the USCG OSC's certified copy of the invoice.
- o The paying office will withhold payment for contractor services if the OSC has not certified the invoice. Payments will be made when the discrepancies are resolved and the invoice is reissued and received at the paying office.
- o The paying office will not pay any response costs in excess of the dollar amount of the contract. In the event that a contractor's service exceeds the dollar amount of the contract, the EPA paying office will inform the USCG District Representative who will take appropriate action.

FINANCIAL MANAGEMENT:

The USCG and EPA agree that the USCG may obligate up to \$250,000 per release without prior approval from EPA. Approval to obligate amounts in excess of the \$250,000 ceiling must be obtained from:

Chief, Response Operations Branch
Emergency Response Division
Office of Emergency and Remedial Response
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 382-7917

The USCG will modify, as necessary, any existing contracts to reflect each ceiling increase. Certified copies of the contract modification must be submitted to the EPA paying office.

The USCG and EPA recognize that CERCLA requires that response actions cease when \$1 million is obligated or 6 months have elapsed from the date of initial response, except as authorized under Section 104(c)(1), thereof.

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FIGURE 7-12 (cont'd)

REPORTING REQUIREMENTS: POLREPS

The USCG and the EPA agree that the EPA, acting in the capacity as manager of the Hazardous Substance Response Trust Fund, requires up-to-date information on CERCLA response actions and the related obligations of CERCLA funds for these actions. Pollution Reports (POLREPS) are submitted by USCG OSC's to USCG District Commanders. POLREPS provide factual operational data relating to a release and a current accounting of project costs. The USCG OSC will submit a duplicate copy of all POLREP's to the Director, Emergency Response Division, EPA, (TWX @ 710-8329280) for the purpose of communicating CERCLA response and fund obligation data to EPA. The initial POLREP will be sent within 24 hours of initiating a response action, if information is available. Once the initial report is completed, progress POLREPS should be sent on a routine basis.

PERIOD OF AGREEMENT:

This Memorandum shall continue in effect until modified or amended by the assent of both parties or terminated by either party upon a thirty (30) days advance written notice to the other party.

Nothing in this agreement is intended to diminish or otherwise affect the statutory authority of the agencies involved.

This Memorandum will become effective at noon on the date of the last signature below.

W.E. Caldwell

W. E. CALDWELL
Rear Admiral U.S. Coast Guard
Chief, Office of Marine
Environment and Systems

12/10/81

DATE

Christopher J. Capper

CHRISTOPHER J. CAPPER
Acting Assistant Administrator
Office of Solid Waste and
Emergency Response

1/4/82

DATE

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7.D. Procedures For Specific Response Activities.

1. Entry Onto Private Property.

- a. Emergency Conditions. The OSC generally has the authority to enter private property without a warrant for the purpose of carrying out response activities and related investigations. The owner's permission shall be sought prior to entry. However, on occasion, entry without permission may be necessary when the owner is not available or the situation is urgent. Entry without permission should be followed up by continuing attempts to locate and advise the owner of the situation. It is recommended that the condition of the property prior to entry be documented (e.g., by photograph) and that local authorities be present when entry is required without the owner's permission. In any case, common sense should be exercised while on the property. Should an owner refuse entry, the OSC should seek assistance from the district legal officer in obtaining court orders from federal or local enforcement authorities. Using force to gain entry is permissible if the urgency of the situation warrants such action; however, all reasonable alternatives should be exhausted first. Force should not be used to the extent that it would amount to a breach of the peace or cause personal injury.
 - b. Nonemergency Conditions. Once response activities have been completed, it may become necessary to initiate an investigation to determine culpability, or to obtain information for the purpose of proving liability. The procedures for entering private property under these circumstances differ from the procedures enumerated above because an emergency situation no longer exists. Entry onto private property under these circumstances may violate the constitutional guarantee against unreasonable searches and seizures. Private property may be entered with the owner's consent, but should not be entered in the absence or without the owner's permission until the district commander (dl) has been contacted for advice and assistance.
2. Controlling Access. The OSC must be familiar with other authorities, in addition to the FWPCA and CERCLA, that enable the OSC to prevent a pollution incident or minimize the resulting damage. Chapter 1 of this volume details guidelines for denying entry or detaining vessels in port that have discharged pollutants or have a history of pollution incidents. Chapter 1 of this volume also prescribes policies for limiting access to spill areas during pollution cleanup operations and/or establishing safety zones.
 3. Use Of Dispersants Or Other Chemical Additives. Dispersants or chemical agents may be more effective than mechanical or physical methods for mitigating pollution damage. The NCP, Subpart H prescribes the criteria for using dispersants and other chemicals. COMDTNOTE 16465 (series) periodically distributes the latest list of EPA accepted chemical agents and additives, along with product bulletins describing technical data, application criteria, effectiveness, and toxicity.

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7.D.4. Use Of Special Forces Or Teams. The OSC may obtain support from numerous private, commercial, and governmental organizations. However, four groups were created solely to support the national response mechanism by augmenting the OSC's staff and providing specialized pollution response expertise. They are the NSF, the ERT, the SSC's, and the PIAT. In addition, the Agency for Toxic Substances and Disease Registry (ATSDR) has assigned Public Health Advisors to most EPA regional offices.

a. National Strike Force (NSF). OSC's are encouraged to use the NSF whenever its expertise or equipment is needed, or to augment the OSC's staff when it is overburdened by a response to a given incident. The strike teams that comprise the NSF can provide communications support; oil and hazardous substance removal expertise; ship's damage control; and support to monitor removal operations, document costs, and coordinate logistics. The NSF should be used when:

- (1) A medium or major discharge has occurred;
- (2) Control of the discharge requires the special knowledge or special equipment of the NSF;
- (3) Response will require in excess of 2 days to complete removal operations, and augmentation by NSF personnel will release local forces to return to normal operations; or
- (4) In the judgment of the OSC, NSF capabilities are necessary.

The NSF is also available to assist state and local governments, provided that such assistance does not interfere with supporting federal OSC's or other federal agencies. Additionally, the NSF Dive Team, a subunit of the Atlantic Strike Team, can assist the OSC by: conducting underwater investigations and evaluations; serving as an advisor to the OSC when commercial or U.S. Navy divers and salvors are used; and performing light salvage or diving operations to control a pollution source when other divers are not immediately available. NSF assistance may be requested by calling a strike team directly, contacting the team via the NRC, or contacting the team via the area or district commander. [NOTE: Section 7.F below describes the administrative requirements for the NSF, including mission performance standards, organization, and training standards. NSF Dive Team capabilities supporting other mission areas are described in paragraph 7.F.6 below.]

b. Environmental Response Team (ERT). The EPA's ERT can provide technical advice and equipment pertaining to the environmental effects of discharges or releases. Among the disciplines of the team are sanitary engineering, environmental engineering, chemical engineering, chemistry, biology, environmental health, risk assessment, and analytical support. Areas of expertise include:

- (1) Determining safety precautions for hazardous chemical removal;

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- 7.D.4.b.
- (2) Evaluating the nature and extent of contamination;
 - (3) Identifying hazards of pollutants not found in standard information sources (e.g., Chemical Hazardous Response Information System (CHRIS));
 - (4) Assessing degree of mitigation/removal required;
 - (5) Identifying critical and sensitive areas that require extraordinary protective efforts; and
 - (6) Selecting disposal method and appropriate disposal facilities.

In addition, the ERT is responsible for activating the Environmental Emergency Response Unit (EERU), a unit which can provide on-scene equipment capable of removing pollutants from contaminated water, conducting treatment studies, and performing a wide range of analytical capabilities. ERT assistance can be requested from the EPA representative on the RRT. Promptly follow up the request with a message to the Hazardous Response Support Division, EPA Headquarters, with the appropriate EPA regional office as an information addressee.

- c. Scientific Support Coordinators (SSC's). SSC's can augment the OSC's staff by providing scientific advice and arranging for scientific support on-scene. Generally, SSC's are provided by the National Oceanic and Atmospheric Administration (NOAA) in coastal areas, and by the EPA in the inland regions. During a response, the SSC serves under the direction of the OSC with the responsibility to provide scientific support for operational decisions and to coordinate on-scene scientific activity. Depending upon the nature of the incident, the SSC can be expected to work with government agencies, universities, and industry to compile information that would assist the OSC in assessing the hazards and effects of spills and developing response strategies. The SSC concept is to augment, rather than replace, the OSC's local scientific team. Local teams generally have the advantage of minimal response times, familiarity with the area, and a working rapport. On the other hand, oil and hazardous materials response may become extremely complex and require expertise and resources not usually available at the local level. Coast Guard OSC's are encouraged to use the SSC as they would use other special forces available to them. SSC assistance can be requested by contacting the regional SSC, identified in the RCP. Areas in which the SSC can provide assistance include:

- (1) Assessment Of Adverse Effects/Mitigation Strategies. This assistance is frequently required during the initial phases of an incident when response operations and clean-up strategies are being developed. Activities to protect and mitigate adverse effects on human health and welfare and the environment include:
 - (a) Liaison with natural resource and chemical experts;

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7.D.4.c.(1)

- (b) Spill trajectory modeling;
 - (c) Assessment and advice on the nature, behavior, and fate of oil and hazardous materials under various environmental conditions, and recommendations on how best to deal with them;
 - (d) Identifying areas of special biological importance;
 - (e) Assistance in public relations efforts on scientific issues; and
 - (f) Advice on safety precautions for response personnel.
- (2) Contingency Planning Assistance. Prior to a spill, considerable information can be provided by the SSC in developing regional and local contingency plans. This can include the probability that spills originating from a given location will affect specific areas; the location of environmentally sensitive areas; background data on the behavior of various pollutants known to be transported in a given area; and the possible environmental impact of various cleanup strategies.

- d. Public Information Assist Team (PIAT). The PIAT is a team of public affairs specialists knowledgeable in many facets of pollution response (e.g., equipment, clean-up methods, the role of various agencies, and the laws). They can augment the OSC's staff when public interest is high. Duties and capabilities of the PIAT are described in volume I of this manual. Request PIAT assistance by contacting the team via Commandant (G-WER-2), or via the NRC during nonworking hours.
- e. Agency For Toxic Substances And Disease Registry (ATSDR) Public Health Advisors. While not specifically listed in the NCP as a special force or team, the Department of Health and Human Services (HHS), through the ATSDR (previously part of the CDC), has assigned Public Health Advisors to cover each EPA Region. In most cases, these individuals work at the EPA regional offices. The ATSDR Public Health Advisors have a wide range of expertise in health-related problems, and are available to assist Coast Guard OSC's during response actions. They can assist in assessing public health threats posed by an incident, provide advice on the adequacy of personnel protection measures within the response area, investigate health complaints, provide advice on the need to relocate nearby residents, and coordinate the appropriate health response with public health agencies and the private medical community. They are also available to assist in the development of occupational safety and health considerations for local contingency plans, providing information on the location and availability of laboratory services, expert consultants, hospitals, and other treatment facilities. The above assistance is available from the regional Public Health Advisors or directly from the ATSDR Emergency Response Coordination Branch in Atlanta, GA, at (404) 452-4100/FTS 236-4100 (24-hour number).

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- 7.D.5. Procedures For Handling Pollution Incidents Resulting From Outer Continental Shelf (OCS) Activities. Response procedures for pollution incidents resulting from OCS activities generally parallel those under the FWPCA. A basic difference is that the Offshore Oil Pollution Compensation Fund established by the OCSLA Amendments (43 U.S.C. 1801-1824) also funds third-party damages incurred as a result of an OCS spill. The statute also requires that a formal Notice of Designation confirming the source be issued to the responsible party. The function of the Notice of Designation is to trigger the claims advertising obligation of the owner, operator, or guarantor of the alleged pollution source. A separate Notice of Designation shall be sent to each owner, operator, or guarantor. 33 CFR 135.309 contains the information required in a Notice of Designation, and a sample is found in Figure 7-13. Current policy requires the OSC to obtain authority to issue a Notice of Designation from the Fund Manager, Commandant (G-WFR), or an authorized representative, on a case-by-case basis. POLREPS shall include the term "OCS Oil" in the subject line to alert personnel of the potential need for Notice of Designation authority or use of the Offshore Oil Pollution Compensation Fund. The Fund Manager also determines when the incident requires public advertisement to advise potential claimants of the spill. Guidelines for determining the type, scope, frequency, and content of advertisements are stated in 33 CFR 135.313-319. Since it may take some time to determine the advertising requirements to be included in the Notice of Designation, the OSC should issue a separate Notice of Federal Interest indicating that a subsequent Notice of Designation may or will follow. To ensure removal operations are initiated expeditiously, the OSC is authorized to obligate funds from the FWPCA 311(k) fund for OCS spills. Reimbursement from the Offshore Oil Pollution Compensation Fund to the FWPCA 311(k) fund will be accomplished by Commandant (G-WFR).
6. Funding Deepwater Port (DWP) Pollution Incident Response. Response procedures for incidents resulting from DWP activities are the same as those specified in section 7.B above, except that the DWP Liability Fund pays for federally-funded cleanup and third-party damages resulting from the incident. As is the case with OCS spills, the Fund Manager, Commandant (G-WFR), must be promptly notified when use of the DWP Fund is indicated. As is the case with OCS spills, the FWPCA 311(k) Pollution Fund may be used to initiate federal removal operations and then be reimbursed from the DWP Liability Fund.
7. Funding Trans-Alaska Pipeline (TAP) Oil Pollution Incidents. Response procedures for incidents involving TAP oil are the same as those specified in section 7.B above, except that the TAP Liability Fund is liable for all damages, including cleanup costs, sustained by any person or entity, public or private, as a result of the discharge of oil from a vessel transporting such oil. TAP Fund liability continues until the TAP oil is first brought ashore at a U.S. port. The TAP Fund is unique in that it is established as a non-profit corporation administered by a Board of Trustees, including representatives from the U.S. Department of the Interior. The Fund must be promptly notified when possible use of the TAP Fund is indicated. Units with incidents involving TAP oil should notify Commandant (G-WFR), who will notify and coordinate as necessary with the

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FIGURE 7-13

NOTICE OF DESIGNATION MESSAGE FORMAT

(Precedence/DTG)

FM

TO (Owner/Operator/Guarantor) (Address)

(City/State/Zip Code)

INFO (CG District)

(COMDT G-W))

ACCT CG-W2GZZZ

UNCLAS//NXXXXX//

SUBJ:

1. THE (name of vessel/facility) OF WHICH YOU ARE THE (owner) (operator) (guarantor) IS DESIGNATED AS THE SOURCE OF OIL POLLUTION UNDER P.L. 95-372 AND 33 CFR 135.309. THE (name of vessel/facility), LOCATED AT (location), DISCHARGED (quantity) OF (type of oil) AT (time/date).

2. UNDER P.L. 95-372 AND TITLE 33 CFR 135.311, YOU HAVE 5 DAYS TO SUBMIT IN WRITING YOUR ACCEPTANCE OR DENIAL OF THIS NOTICE OF DESIGNATION. FAILURE TO DENY THIS DESIGNATION DOES NOT, IN AND OF ITSELF, CONSTITUTE ACCEPTANCE OF LIABILITY UNDER P.L. 95-372 FOR LOSSES RESULTING FROM THIS INCIDENT. THE REQUIREMENTS FOR SUBMISSION OF A DENIAL OF THIS NOTICE OF DESIGNATION ARE CONTAINED IN TITLE 33 CFR 135.311.

3. [See * below] NOTE THAT TITLE 33 CFR 135.315-.319 REQUIRES YOU TO INFORM THE PUBLIC OF PROCEDURES FOR INITIATING CLAIMS TO RECOVER ECONOMIC LOSSES FROM THIS DESIGNATED SOURCE OF POLLUTION OR AGAINST THE FUND. THE INITIAL GEOGRAPHIC AREA THAT IS OR IS LIKELY TO BE AFFECTED IS FROM (description of area). THE INITIAL ADVERTISEMENT OF THIS INCIDENT SHOULD INCLUDE, BUT IS NOT LIMITED TO, PUBLICATION IN THE NOTICE TO MARINERS, PUBLIC SERVICE ANNOUNCEMENTS ON COMMERCIAL RADIO AND TELEVISION STATIONS, AND PAID ADVERTISEMENTS IN LOCAL NEWSPAPERS SERVING THE ABOVE DESIGNATED AREA. FUTURE SPECIFIC REQUIREMENTS FOR ADVERTISEMENTS AND LIMITS OF AFFECTED GEOGRAPHIC AREAS MAY BE FORTHCOMING, AND WILL BE SUBMITTED TO YOU OR YOUR DESIGNATED REPRESENTATIVE.

4. DIRECT FURTHER COMMUNICATION REGARDING THIS INCIDENT, ADVERTISEMENT OF THE INCIDENT, OR DENIAL OF DESIGNATION TO THE CAPTAIN OF THE PORT, (address, telephone #).

[NOTE: *When the Fund Manager, Commandant (G-WFR), determines that the incident need not be advertised, the following may be substituted as paragraph 3:

3. TITLE 33 CFR 135.309 REQUIRES THAT THIS NOTICE CONTAIN ADVERTISING INSTRUCTIONS WHERE CLAIMS FOR ECONOMIC LOSS OF THE TYPE SPECIFIED IN SECTION 303(A) OF P.L. 95-372 MAY RESULT. BECAUSE POLLUTION RESULTING FROM THIS INCIDENT HAS BEEN MINIMAL AND SUBSTANTIALLY CONTAINED, WE HAVE DETERMINED THAT CLAIMS ARE UNLIKELY AT THIS TIME. THE COAST GUARD RESERVES THE RIGHT TO REQUIRE ADVERTISEMENT AT A LATER TIME, SHOULD FACTS AND CIRCUMSTANCES CHANGE TO SO WARRANT.]

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7.D.7. (cont'd) TAP Fund administrator. As is the case with OCS and DWP spills, the FWPCA 311(k) Pollution Fund should be used to initiate federal removal operations and then be reimbursed from the TAP Liability Fund.

8. Intervention On The High Seas. The Intervention on the High Seas Act, as amended (33 U.S.C. 1471-1487), the FWPCA 311(c) and (d), and CERCLA 104(a) authorize Coast Guard intervention when a vessel casualty seaward of the territorial sea poses a grave and imminent danger to U.S. coastlines or related interests, or when a marine disaster in or upon the navigable waters has created a substantial threat of a pollution hazard to the public health or welfare of the United States. Intervention is "detrimental action without consent" and may include the following:

- a. Orders to the master, owner, or operator of a ship;
- b. Disposal or destruction of the cargo aboard;
- c. Removal or destruction of a vessel;
- d. Deployment of equipment for containing or dealing with a spillage;
- e. Transfer of oil or hazardous substance to other tanks, or other ships or barges; or
- f. Salvage operations.

Coast Guard policy and procedures for intervention actions are contained in COMDTINST 16451.5 (Series).

9. Disposal Of Recovered Pollutants.

a. Introduction. Whether monitoring or supervising cleanup operations, the OSC shall ensure proper disposal of recovered pollutants at a disposal or treatment facility permitted to handle the particular pollutant.

b. Compliance With Waste Disposal Regulations.

(1) Resource Conservation And Recovery Act (RCRA) Applicability. The following subparagraphs address the applicability of the RCRA and its implementing regulations (and, to a limited extent, related state and local laws) to the storage, treatment, and disposal of material recovered during response and removal actions. Local contingency plans should include the following:

- (a) Identification of proper storage, treatment, and disposal facilities for waste oil and hazardous substances;
- (b) Identification of federal and state regulations (including local ordinances) which apply to the use of those facilities;

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- 7.D.9.b.(1)
- (c) Identification of laboratories capable of testing a recovered substance for hazardous waste characteristics, as required by 40 CFR 262.11; and
 - (d) Procedures for obtaining EPA identification numbers from the EPA regional office.

While various state and local laws, regulations, and ordinances may apply to the storage, treatment, and disposal of wastes recovered during removal actions where the discharged material was only petroleum, normally RCRA does not. However, RCRA does apply where petroleum wastes meet one or more of the characteristics set out in 40 CFR 261.20-24 (ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity). Consequently, wastes meeting those characteristics as well as any other waste identified in 40 CFR 261 (see enclosure (3) to COMDTINST M16465.29) which have been recovered in the course of response or removal actions are subject to RCRA and to its implementing regulations, except to the extent that waivers of exemptions may apply (see Notes below).

- (2) RCRA Concerns For OSC's. Generally speaking, the RCRA regulations of most concerns to OSC's deal with the following matters:
- (a) Determinations of whether the recovered material is subject to RCRA (40 CFR 262.11);
 - (b) Obtaining an EPA identification number (40 CFR 262.12 and 263.11);
 - (c) Preparation of a manifest (40 CFR 262.20-.23);
 - (d) Identifying permitted facilities for disposal of CERCLA wastes (40 CFR 262.20);
 - (e) Packaging, labeling, marking, and placarding the waste (40 CFR 262.30-.33); and
 - (f) Tracking the manifest, and retaining appropriate records (40 CFR 262.40). [NOTE: OSC's are not subject to the reporting requirements of 40 CFR 262.41-.43.]

[NOTE: By reason of 40 CFR 264.1(g)(8) and 265.1(c)(11), the requirements of 46 CFR 264 and 265 do not apply to immediate removal and response actions conducted by Coast Guard OSC's. Part 267 of 40 CFR does not impose any requirements on Coast Guard OSC's. By reason of 40 CFR 270.1(c)(3), permits issued under 40 CFR 270 are not required for treatment and containment during immediate removal and response actions conducted by Coast Guard OSC's. However, persons who dispose of the recovered waste may have to obtain permits under Part 270.] The OSC may, in one

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- 7.D.9.b. (2) (cont'd) situation, waive requirements imposed by RCRA regulations (see 40 CFR 263.30(b)). When waste is discharged during transportation, the OSC, upon determining that its immediate removal is necessary to protect human health or the environment, may authorize its removal by transporters who do not have EPA identification numbers and without preparing a manifest. It is expected that this situation will apply in most cases, subject to Coast Guard OSC control, which would otherwise be subject to identification number and manifesting requirements. However, notwithstanding this expectation, most transportation, treatment, and disposal facilities are not familiar with the waiver authority discussed above. Therefore, they will usually require compliance with the requirements of the regulations referred to above as being of most concern to OSC's. In addition, the NCP (40 CFR 300.65(f)) requires that, to the greatest extent possible given the exigencies of the circumstances, the OSC comply with applicable or relevant and appropriate federal public health and environmental requirements. This includes compliance with RCRA requirements.
- (3) OSC Procedure. In order to assure the proper and timely disposal of recovered RCRA wastes, whether subject to a possible waiver or not, OSC's shall, after determining that the recovered material is subject to RCRA, carry out the following procedure:
- (a) Should normally, in a case where the waiver applies, and shall, in a case where it does not, assure that the transporter has obtained an EPA identification number and prepare a manifest in accordance with the instructions in 40 CFR 262.20-23;
 - (b) Assure that the recovered waste has been properly packaged, labeled, marked, and placarded;
 - (c) Ensure that the recovered waste is disposed of at a permitted facility authorized by EPA for disposal of CERCLA wastes. CERCLA waste disposal must comply with the EPA Off-Site Disposal Policy of 6 May 1985 (distributed by COMDTNOTE 16465 of 17 December 1985); and
 - (d) Retain a copy of the manifest until a signed copy is received from the designated facility indicating that the shipment was received.

OSC's should retain signed copies of manifests in unit files for at least 3 years. [NOTE: The OSC is not a "generator" within the meaning of the RCRA regulations. There are two classes of persons which fall within the definition of this term contained in 40 CFR 260.10. The first class includes those whose acts or processes produce hazardous waste. The second includes those whose acts first cause a hazardous waste to become subject to regulation. Insofar as the first class is concerned, no act or

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- 7.D.9.b. (3) (cont'd) process of the OSC produces hazardous waste. As to the second, the hazardous waste becomes subject to regulation prior to the time that the OSC takes any action with respect to it. However, during a removal or response operation the OSC exercises control over the disposal of the recovered waste. As an element of this control, he or she performs certain functions assigned to "generators" by 40 CFR 262.]
- (4) Manifest Forms. The manifest referred to above must meet the requirements of 40 CFR 262.20. Note, however, that 40 CFR 262.21 calls for the use of state provided manifest forms if the generator or disposal state has established specific requirements. As of October 1984, 25 states have established specific requirements for the use of state-supplied manifest forms. These states, with appropriate contacts, are listed in Figure 7-14. When completing the manifest, if the source is known, the OSC should list the name of the polluter on the manifest as the generator. If the source is unknown, the OSC should insert the words "Coast Guard Federal On-Scene Coordinator" in the space provided for the generator's name. In either case, the manifest should be signed by the OSC or the designated representative, and marked with the statement: "This material is being disposed of by the Coast Guard Federal On-Scene Coordinator (unit name), as part of a response action in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)."
- (5) Transportation For Disposal. OSC's must ensure that all wastes shipped off-site for disposal are transported in compliance with applicable regulations. These include the RCRA regulations in 40 CFR 262-263, the DOT Hazardous Materials Regulations in 49 CFR 171-178, and any applicable state regulations. The Office of Hazardous Materials Transportation within the DOT Research and Special Programs Administration (RSPA) is concerned that some shipments of wastes collected during spill cleanup activities have been transported in inadequate containers, resulting in secondary releases during transport. OSC's should ensure that all wastes are packaged as required in the DOT Regulations. If the nature of the wastes precludes packaging in the required container, OCS's should request emergency exemptions from the regulations following the procedures outlined in 49 CFR 107.
- E. Information Systems And Resources. The OSC's staff must be familiar with information sources and systems that may assist contingency planning or responses. Figure 7-15 lists primary sources, capabilities and means of access, and additional references. Accessing the Hazard Assessment Computer System (HACS) and Spill Trajectory Forecasting through the NRC is described in volume I of this manual. COMDTINST M16465.30 (Series) lists suggested chemical response publications and additional information sources.

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FIGURE 7-14

STATE CONTACTS FOR UNIFORM HAZARDOUS WASTE MANIFEST FORMS AND INFORMATION

The following states will require the use of a state-approved version of the Uniform Hazardous Waste Manifest Form for shipments destined to their state or for shipments which originate in their state, and are destined to a state which does not require the use of a state modified form. See California and Missouri for exceptions.

ALABAMA (Requires generators treating, storing, or disposing of wastes in Alabama to obtain the form from Alabama facilities.)

State Technical Contact: Joe Brewer (205-271-7700)
Department of Environmental Management
State Capitol
Montgomery, AL 36130
Continuation Sheet: State allows use, but facilities may decide not to supply.
Charge: Contact facility

ARKANSAS

State Technical Contact: Vicky Pruett (501-562-7444)
Department of Pollution Control and Ecology
Solid and Hazardous Waste Materials Division
P.O. Box 9583
Little Rock, AR 72219
Continuation Sheet: State allows use and will supply.
Charge: \$2 per form

CALIFORNIA (Out-of-state generators are not required to use the California state manifest form for shipments into that state.)

State Technical Contact: Al Fong (916-322-2337)
State Transporter Contact: Kit Davis (916-324-2430)
Department of Health Services
Procedures and Regulations Division
714-744 P Street
Sacramento, CA 95814
Continuation Sheet: No
Charge: None

CONNECTICUT

State Technical Contact: Elizabeth Flores (203-566-8844)
To Request Copies: Joe Zack (203-566-3958)
Department of Environmental Protection
Hazardous Materials Management Unit
State Office Building
165 Capitol Avenue
Hartford, CT 06115
Continuation Sheet: State allows use but will not supply.
Charge: 4 for \$1

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FIGURE 7-14 (cont'd)

DELAWARE

State Technical Contact: Ken Weiss (302-736-4781)
To Request Copies: Juanita Williamson (302-736-4781)
Department of Natural Resources and Environmental Control
89 Kings Highway
P.O. Box 1401
Dover, DE 19901
Continuation Sheet: State allows use and will supply
Charge: None

GEORGIA (Requires generators treating, storing, or disposing of wastes in Georgia to obtain the form from Georgia facilities.)

State Technical Contact: Jennifer Kaduck (404-656-7802)
Department of Natural Resources
Environmental Protection Division, Land Protection Branch
270 Washington Street, SW
Atlanta, GA 30334
Continuation Sheet: State allows use, but facilities may decide not to supply.
Charge: Contact facilities

ILLINOIS

State Technical Contact: Cindy Ladage (217-782-6761)
Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706
Continuation Sheet: State allows use and will supply.
Charge: None

LOUISIANA

State Technical Contact: Joan Albritton (504-342-1227)
Department of Environmental Quality
Hazardous Waste Division
P.O. Box 44066
Baton Rouge, LA 70804
Continuation Sheet: State only allows use for more than two transporters and will supply.
Charge: \$.50 per form

MAINE

State Technical Contact: Richard Baker (207-289-2651)
Department of Environmental Protection
Bureau of Oil and Hazardous Materials
Licensing and Enforcement Division, State House - Station 17
Augusta, ME 04333
Continuation Sheet: State allows use but will not supply.
Charge: None

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FIGURE 7-14 (cont'd)

MARYLAND

State Technical Contact: Tom Battle (301-383-5734)
To Request Copies: Lisa Bryson (301-383-5734)
Department of Health and Mental Hygiene
Hazardous Waste Division
201 West Preston Street
Baltimore, MD 21201
Continuation Sheet: State allows use and will supply.
Charge: \$.20 per form

MASSACHUSETTS (Form will be distributed by private vendors located in
Massachusetts.)

State Technical Contact: Sarah Weinstein (617-292-5820)
Department of Environmental Quality Engineering
One Winter Street
Boston, MA 02108
Continuation Sheet: State allows use.
Charge: \$1 per form

MICHIGAN

State Technical Contact: Marta Fisher (517-373-2730)
Department of Natural Resources
Environmental Protection Bureau
Hazardous Waste Division
Box 30028
Lansing, MI 48909
Continuation Sheet: State only allows use for more than two transporters and
will not supply.
Charge: None

MINNESOTA

State Technical Contact: Karen Ryss (612-296-7776)
Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road, B2
Roseville, MN 55113
Continuation Sheet: State only allows use for more than two transporters and
will not supply.
Charge: Call Karen Ryss

MISSOURI (Regulations mandating the use of Missouri state form are pending.
During the interim period, any federally-approved form is acceptable,
provided the generator includes Missouri identification numbers prior
to shipment.)

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FIGURE 7-14 (cont'd)

MISSOURI (cont'd)

State Technical Contact: Kirt Hilsenbeck (314-751-3241)
Waste Management Program
Department of Natural Resources
P.O. Box 1368
117 E. Dunklin Street
Jefferson City, MO 65102
Continuation Sheet: No
Charge: None

NEW HAMPSHIRE

State Technical Contact: Dawn Channing (603-271-4608)
Office of Waste Management
Division of Public Health Services
Health and Welfare Building
Hazen Drive
Concord, NH 03311
Continuation Sheet: State allows use but will not supply.
Charge: None

NEW JERSEY

State Technical Contact: Nancy Power (609-292-5189)
Department of Environmental Protection
32 E. Hanover Street, CN-028
Trenton, NJ 08625
Continuation Sheet: State allows use but will not supply.
Charge: None

NEW YORK

State Technical Contact: James Moran (518-457-6858)
Department of Environmental Conservation
Division of Solid and Hazardous Waste
P.O. Box 12820
Albany, NY 12212
Continuation Sheet: State allows use but will not supply.
Charge: None

OKLAHOMA

State Technical Contact: Al Coulter (405-271-5338)
Department of Health
Industrial and Solid Waste Service
P.O. Box 53551
Oklahoma City, OK 73152
Continuation Sheet: State allows use and will supply.
Charge: \$.25 per form

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FIGURE 7-14 (cont'd)

PENNSYLVANIA

State Technical Contact: Jeff Beatty (717-787-9870)
To Request Copies: Cheryl Mills (717-787-9870)
Department of Environmental Resources
Bureau of Solid Waste Management
Fulton Building
P.O. Box 2063
Harrisburg, PA 17120
Continuation Sheet: State allows use but will not supply.
Charge: \$.15 per form

PUERTO RICO

State Technical Contact: Maria Rodriguez (809-725-5140)
Environmental Quality Board
Solid, Toxic and Hazardous Waste Program
Box 11488
Santurce, PR 00910-1488
Continuation Sheet: State allows use and will supply.

RHODE ISLAND

State Technical Contact: Alicia Good (401-277-2797)
Department of Environmental Management
Division of Air and Hazardous Materials
204 Cannon Building
75 Davis Street
Providence, RI 02908
Continuation Sheet: State allows use and will supply, but does not encourage use.
Charge: None

SOUTH CAROLINA

State Technical Contact: "Ike" Nevesky (803-758-5681)
Department of Health and Environmental Control
Bureau of Solid and Hazardous Waste Management
2600 Bull Street
Columbia, SC 29201
Continuation Sheet: State allows and will supply.
Charge: None

TEXAS

State Technical Contact (municipal and federal facilities):
Ken Zarker (512-458-7271)
Texas Department of Health
1100 West 49th Street
Austin, TX 78756

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FIGURE 7-14 (cont'd)

TEXAS (cont'd)

State Technical Contact (commercial facilities): Allan Seils (512-475-5647)
Texas Department of Water Resources
P.O. Box 13087 Capitol Station
Austin, TX 78711
Continuation Sheet: State allows and will supply.
Charge: None

VERMONT

State Technical Contact: John Miller (802-832-3395)
Agency of Environmental Conservation
Air and Solid Waste Programs
State Office Building
Montpelier, VT 05602
Continuation Sheet: State allows and will supply.
Charge: None

WISCONSIN

State Technical Contact: David Charles (608-267-7551)
Department of Natural Resources
Bureau of Solid Waste Management
P.O. Box 8094
Madison, WI 53708
Continuation Sheet: State will not supply.
Charge: None

For further information on this list, contact:

Carolyn Barley (202-382-5235)/John Thompson (202-382-4697)
The RCRA/Superfund Hotline (Wash., DC area 382-3000 or 800-424-9346)
Environmental Protection Agency
Office of Solid Waste (WH-563)
401 M Street, SW
Washington, DC 20460

MARINE SAFETY MANUAL

FIGURE 7-15

POLLUTION RESPONSE INFORMATION SOURCES

	CAPABILITY											ADDITIONAL INFORMATION ON SYSTEM
	Chemical Identification	Physical Properties	Safety Required	Equipment Availability	Response Methods	Hazard Assessment	Trajectory Modelling	Direct Access	Access via NRC			
Spill Cleanup Equipment Information System (SKIM)				•				•				(1)
Chemical Hazard Response Information System (CHRIS)	•	•	•		•	•		(2)				COMDTINST M16465.11 thru .14 (CHRIS Manuals); MSM, Volume I
Hazard Assessment Computer System (HACS)					•	•			•			MSM, Volume I
Chemical Information System (CIS)												
Oil and Hazardous Materials Technical Assistance Data System (OHMTADS)	•	•	•		•			•	•			
Structure and Nomenclature Search System (SANSS)	•							•	•			COMDTINST 16484.2
Registry of Toxic Effects of Chemical Substances (RTECS)	•	•						•	•			
Pollution Spill Trajectory Forecasting Service					•	•			•			MSM, Volume I
Chemical Transportation Emergency Center (CHEMTREC)	•	•			•			(3)	•			Locates and notifies shipper/manufacture

(1) Maintenance of central database discontinued in October 1985. Data for each OSC zone transferred to the applicable MSO/COTF.

(2) Unit Reference Library

(3) Telephone (800) 424-9300

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7.F. National Strike Force (NSF) Administration. The FWPCA 311(c)(2) requires the NCP to include the establishment or designation of a strike force consisting of personnel trained and prepared to carry out necessary services specified in the plan. The Coast Guard NSF is one of the Special Forces available to assist OSC's whenever NSF expertise or capabilities are needed. Paragraph 7.D.4 above describes the capabilities of the NSF and other Special Forces, and provides guidance on when they should be activated. This section describes the administrative elements of the NSF.

1. Administrative And Operational Control. The NSF, comprised of the Pacific, Gulf, and Atlantic Strike Teams, and the NSF Dive Team, is under the operational and administrative control of the respective area commander. When responding to a spill, members are under the operational control of the OSC, whether the OSC is from the Coast Guard, EPA, or another federal agency. For responses to assist state or local governments, operational control is retained by the area commander. Respective strike teams respond to requests for assistance within the following standard federal regions:

- a. Atlantic Strike Team (AST). Regions I, II (excluding Puerto Rico and Virgin Islands), III, V, and North Carolina;
- b. Gulf Strike Team (GST). Regions II (Puerto Rico and Virgin Islands), IV (excluding North Carolina), VI, and VII; and
- c. Pacific Strike Team (PST). Regions VIII, IX, and X.
- d. NSF Dive Team. All regions.

2. Response Standards.

- a. Personnel Standards. When requested by the OSC, NSF personnel will be expeditiously dispatched within the following minimum standards:

<u>Number of Personnel</u>	<u>Dispatch Time</u>
1	Immediately
4	Within 2 hours
Up to 12	Within 6 hours

These standards should be applied with careful judgment and recognition that personnel committed to training other units or participating in R&D testing may be pre-empted for a response mission. Each strike team will assist other teams, as operational commitments permit. First-class travel must not be used except in extreme circumstances. In those cases where no other class of travel is available, and the travel must be performed, Commandant approval must be obtained following the procedures in Chapter 2 of the Joint Travel Regulations and COMDTINST M4600.8 (Series), Comptroller Manual, Volume IX. All requests for approval of first-class travel should be forwarded to Commandant (G-FPS) via Commandant (G-WER) for endorsement.

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- 7.F.2. b. Equipment Standards. NSF response equipment requested by the OSC will be dispatched by the most expeditious means available within 4 hours of the request. Except for operational repairs and routine maintenance, equipment shall be maintained in "Ready Standby" status. The equipment inventory of the NSF teams should be continually evaluated against operational experience and modified accordingly.
- c. Foreign Assistance. The NSF may be available to assist foreign governments if those resources are not required for an incident in the United States or its possessions. The requesting government will make a formal request via normal diplomatic channels to the U.S. Department of State (DOS) and agree to reimburse all NSF expenses. Commandant (G-WER) will review the request and coordinate NSF assistance to foreign governments. Additional information on pollution response and pollution response training assistance to foreign governments is found in COMDTINST 5010.10, Policy Guidance for Coast Guard Assistance to Foreign Governments for Pollution Response and Pollution Response Training.
3. Response Planning. Strike teams shall plan and organize their own resources for response actions, and plan for on-scene integration. Internal planning shall include plans for transportation and deployment of equipment and on-going review of removal techniques and plans for their use. On-scene integration planning will include review of local and RCP's, participation at RRT meetings, and continuous liaison with personnel in all levels of government (federal, state, and local) as well as key personnel in industry.
- a. Unit Planning. Each strike team shall:
- (1) Maintain a personnel duty rotation schedule;
 - (2) Plan for personnel and equipment transportation from the unit and conduct exercises that use these procedures; and
 - (3) Perform regular routine maintenance on operational equipment in accordance with Preventative Maintenance System (PMS) procedures.
- b. On-Scene Integration. As a minimum, each strike team shall:
- (1) Be represented at semiannual RRT meetings and maintain liaison with all representatives of the RRT;
 - (2) Assist in updating and reviewing regional and local contingency plans;
 - (3) Ensure that OSC's and RRT members in their area know the capabilities of the NSF and the strike team;
 - (4) Inform OSC's as to what support they must provide for NSF equipment and ensure that these requirements are included in local contingency plans;

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- 7.F.3.b. (5) Establish and maintain a working relationship with key personnel involved in environmental protection programs through attendance at conferences, seminars, training sessions, visits, and telephone conversations; and
- (6) Maintain liaison with all representatives to the RRT's, state EPA representatives, and managers of cooperative and clean-up contractors within their area of responsibility.

4. Training.

- a. Team Personnel. Each strike team shall conduct unit training to maintain necessary special skills and knowledge. Team training includes service schools, industry training sessions, conferences, and practical experience oriented towards ship salvage, diving, damage control, petroleum handling and storage, tank vessel liquid cargo and fuel systems, removal techniques, handling of hazardous substances, and instruction techniques. Additionally, unit training shall include the following:
- (1) Instruction on service practices, such as practical factors for advancement, first aid, safety, Coast Guard administration, and travel claim procedures;
 - (2) Cross-training among enlisted ratings to enable all personnel to deploy and operate response equipment, including semiannual hands-on drills; and
 - (3) Resident training to meet the minimum training requirements listed in Figure 7-16.
- b. Other Units. Each strike team shall annually train OSC staffs and other units that perform response activities, in accordance with administrative procedures and training schedules established by the area commander. Training will be coordinated with the OSC to stress response problems that are timely and of local significance. While the NSF is encouraged to train with industry, it is not appropriate to provide training (i.e., personnel, facilities or materials) for the exclusive benefit of industry. To the greatest extent possible, other federal, state, or local response personnel should also be encouraged to participate in training sessions. General training topics and activities include the following:
- (1) Unit pollution response equipment operation and maintenance;
 - (2) Response strategies/priorities;
 - (3) Hazardous substance handling and removal;
 - (4) Clean-up contractor supervision;
 - (5) Case documentation (311(k) and CERCLA);

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FIGURE 7-16

MINIMUM TRAINING REQUIREMENTS FOR STRIKE TEAMS AND NSF DIVE TEAM

<u>COURSE</u>	<u>ATTENDEES</u>
STRIKE TEAMS	
MSPOC	All enlisted
MK-6	3 enlisted (MK's only)
MK-23 Outboard Motor Maintenance	3 enlisted (MK's only)
Self-Contained Breathing Apparatus (SCBA) Regulator Repair	2 enlisted
Commercial Truck Driving	4 members
Port Operations Course; Response Module	All officers
Hazardous Materials Incident Response Operations Course (HMIROC)	All officers, 50% enlisted
Respiratory Protection (NIOSH-approved)	50% officers
Instructor Training (USN or other)	2 enlisted
Incident Mitigation and Treatment	1 officer
Emergency Medical Technician (EMT)	3 members
Marine Firefighting	2 members
NSF DIVE TEAM	
Bauer Compressor	4 enlisted
Medical Deep Sea Diving Technician	1 enlisted
Dive Unisuit Repair	2 enlisted
Ship Salvage Diving Officer	2 officers
Diver 1st Class	2 enlisted
Diver 2nd Class	9 enlisted
U.S. Divers Regulator Repair	11 enlisted

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7.F.4.b. (6) NSF equipment and OSC support requirements;

(7) Use of federal pollution funds;

(8) Contingency planning;

(9) Laws, regulations, and policies; and

(10) Hands-on exercises by response teams.

5. NSF Dive Team. The NSF Dive Team, a subunit of the AST, can assist OSC's in investigating, evaluating, and monitoring pollution response cases requiring diving or salvage operations. The Dive Team can additionally perform nonresponse operations in support of other Coast Guard mission areas. Capabilities include the following:

a. Coast Guard helicopter salvage operations;

b. Coast Guard vessel electronics and naval engineering support and husbandry tasks (i.e., hull surveys, damage assessment, minor repairs, assistance in drydocking);

c. Underwater search and recovery;

d. Enforcement of laws and treaties (ELT) (surveying abandoned and sunken vessels for contraband); and

e. Aids-to-navigation (ATON) support.

The primary mission of the Dive Team is to support the MER Program. Support in other mission areas will be on a "not-to-interfere" basis and all costs will be reimbursed by the requesting unit. All activities performed by the NSF Dive Team will be reflected on the Dive Team's QAR.

6. Required Reports.

a. Operational Status. Each strike team shall advise the area commander by priority message on the last day of each work week of the team's operational status. This message should follow the format in Figure 7-17. Commandant (G-WER) and the other strike teams should be included as information addressees on the message.

b. Advisories. Each strike team shall advise the area commander and the NRC by priority message whenever more than 50 percent of the personnel assigned to a team are operationally committed to response efforts. By priority message, advise the area commander whenever the equipment listed below cannot be placed in "Ready Standby" status within 4 hours, including unavailability due to deployment, repair, refurbishment, or routine maintenance. Except for deployment, the advisory shall also include an estimate of the time to restore to "Ready Standby" status. Operational equipment affected includes the following:

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FIGURE 7-17

NSF OPERATIONAL STATUS MESSAGE FORMAT

P 181145Z JAN 86
FM COGARD NSF GULF MOBILE AL
TO COMLANTAREA COGARD NEW YORK NY
INFO COMDT COGARD WASHINGTON DC//G-WER//
Other NSF Teams

ACCT CG-XXXXXX

UNCLAS //N16465//

SUBJ: OPERATIONAL STATUS

1. PERSONNEL ATTACHED	XX	List the appropriate number of personnel
A. ABOARD	XX	in each category.
B. TRAINING	XX	
C. RESPONSE	XX	
D. FIELD UNIT TRAINING	XX	
E. R&D	XX	
F. LIAISON	XX	
G. LEAVE	XX	

2. OPERATIONAL DEPLOYMENTS AND PLANS: List status of personnel deployed on spill responses, training, or other operational activities. For personnel deployed on response, include NSF unit case number. Also include reference to operational activities anticipated for the following week.

3. EQUIPMENT

A. CASREP: List equipment covered by CASREP's including reference to CASREP number.

B. DEPLOYED: List equipment deployed on response actions including reference to NSF unit case number.

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- 7.F.6.b. (1) Air Deliverable Anti-Pollution Transport System (ADAPTS) prime movers and pumps;
- (2) Open Water Oil Containment and Recovery Systems; and
- (3) Mobile Command Post.
- c. Quarterly Activities Report (QAR), RCS-G-WER-14019. Within 15 days following the end of the quarter, each strike team and the NSF Dive Team shall submit the NSF QAR to Commandant (G-WER), via the area commander, in the format shown in Figure 7-18.
- d. Incident Summary. Brief, to-the-point, Incident Summaries, RCS-WER-14022, shall be submitted to the appropriate OSC, with copy to Commandant (G-WER), within 30 days of the team's release from an incident. In letter format, the report shall concisely:
- (1) Summarize strike team activities;
 - (2) Describe strike team equipment used;
 - (3) Assess strike team effectiveness;
 - (4) Describe problems encountered;
 - (5) Describe lessons learned;
 - (6) Summarize expenses;
 - (7) List personnel and equipment, including dates committed or hours of operation with supporting documentation for cost recovery from the responsible party; and
 - (8) Enclose records or photographs that may assist the OSC in documenting costs to be recovered.
- e. Reimbursement Requests. Requests for reimbursement for actual expenses incurred as a result of the oil pollution incident with supporting documentation will be submitted via the OSC to the appropriate district commander. Requests for reimbursement for CERCLA-related responses should be submitted as follows:
- (1) For CERCLA-funded removal with EPA OSC, submit cost summary and Interagency Agreement with OSC certification to the EPA Region for forwarding to Commandant (G-WER) for processing.
 - (2) For CERCLA-funded removal with Coast Guard OSC, submit cost summary and Interagency Agreement to OSC for certification and forwarding to Commandant (G-WER) for processing at EPA Headquarters.

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FIGURE 7-18

SAMPLE NSF/DIVE TEAM QUARTERLY ACTIVITIES REPORT

(UNIT) _____ QUARTERLY ACTIVITIES REPORT
 _____ Quarter FY _____

RCS-G-WER-14019

I. Summary

A. External Time Use (Away From Unit)

	<u># Of Cases</u>	<u>Work-Day(s)*</u>
1. Response		
a. Oil	_____	_____
b. Hazardous Substance	_____	_____
c. Other	_____	_____
2. Strike Team Training (TEM DUIN)		_____
3. Training/Presentations Given By Unit		_____
4. Planning And Liaison		_____
5. Research And Development		_____
6. Diving Operations (Dive Team Only)		
a. Pollution Response	_____	_____
b. Other Mission Areas	_____	_____

B. Internal Time Use (At Unit)

1. Response	<u>Work-Hour(s)**</u>
a. Administrative Support	_____
b. Telephone Consultations With OSC's	_____
	<u>Oil/HS/Other</u>
2. Strike Team Training	<u> / / </u>
3. Training/Presentations Given At Unit	_____
4. Planning And Liaison	_____

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FIGURE 7-18 (cont'd)

5. Equipment Maintenance	<u>Oil/HS/Other</u>
a. Preventive/Scheduled	<u> / / </u>
b. Corrective/Unscheduled (includes maintenance while away from unit)	<u> / / </u>
6. Facility Maintenance (including self-help construction projects)	<u>Work-Hours**</u>
7. Medical Monitoring	_____
8. Physical Fitness	_____
9. Administration	_____

II. Description Of Activities

- A. Response. Give a brief description of each case accounted for in the summary. Include in the narrative the name and location of the incident and the date(s) and nature of strike team involvement. Also specify the type of pollutant (oil or hazardous substance) and the number of sorties flown to transport personnel or equipment (indicate type of aircraft).
- B. Training Given By Unit. This includes marine safety office (MSO) training, OSC/RRT exercises, presentations given to federal, state or local groups, oil or hazardous spill conferences, etc.
- C. Training Received By Unit. List the following for all training accounted for in the summary:

- a. All resident training courses attended.
- b. Training at the unit:

<u>Total Work-Hours**</u>	<u># Of Members Trained</u>
_____	_____ oil
_____	_____ hs
_____	_____ other

- D. Remarks. Indicate unusual problems, concerns, need for future equipment, etc.

* Work-days are the actual days away from the unit. Any part of a day away from the unit will be counted as one full day.

** Work-hours are the actual number of hours expended on a given activity at the unit. Any fraction of an hour will be counted as one full hour.

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- 7.F.6.e. (3) For monitoring of responsible party activities, either EPA or Coast Guard OSC, fund using non-incident specific CERCLA out-of-pocket cost funds provided by Commandant (G-WER) as part of CERCLA annual budget.



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CHAPTER 8. COAST GUARD FIREFIGHTING ACTIVITIES

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CHAPTER 8. COAST GUARD FIREFIGHTING ACTIVITIES

- A. Authority. Among the provisions of the Ports and Waterways Safety Act of 1972 (PWSA) (33 U.S.C. 1221 et seq.) is an acknowledgment that increased supervision of port operations is necessary to prevent damage to structures in, on, or adjacent to the navigable waters of the U.S., and to reduce the possibility of vessel or cargo loss, or damage to life, property, and the marine environment. This statute, along with the traditional functions and powers of the Coast Guard to render aid and save property (14 U.S.C. 88(b)), is the basis for Coast Guard firefighting activities. 42 U.S.C. 1856-1856d provide that an agency charged with providing fire protection for any property of the United States may enter into reciprocal agreements with state and local firefighting organizations to provide for mutual aid. This statute further provides that emergency assistance may be rendered in the absence of a reciprocal agreement, when it is determined by the head of that agency to be in the best interest of the United States.
- B. Policy. The Coast Guard has traditionally provided firefighting equipment and training to protect its vessels and property. Captains of the port (COTP's) are also called upon to provide assistance at major fires on board other vessels and waterfront facilities. Although the Coast Guard clearly has an interest in fighting fires involving vessels or waterfront facilities, local authorities are principally responsible for maintaining necessary firefighting capabilities in U.S. ports and harbors. The Coast Guard renders assistance as available, based on the level of training and the adequacy of equipment. The Commandant intends to maintain this traditional "assistance as available" posture without conveying the impression that the Coast Guard is prepared to relieve local fire departments of their responsibilities. Paramount in preparing for vessel or waterfront fires is the need to integrate Coast Guard planning and training efforts with those of other responsible agencies, particularly local fire departments and port authorities. COTP's shall work closely with the municipal fire departments, vessel and facility owners and operators, mutual aid groups, and other interested organizations. The COTP shall develop a firefighting contingency plan which addresses firefighting in each port in the COTP zone. This plan should be organized in a format similar to the federal local pollution contingency plan as required by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300.43).
- C. Basic Restrictions.
1. Operations. In developing a Coast Guard unit's assistance posture, consideration should be given to the level of the threat of fire, the jurisdictions involved, the capabilities of local fire departments, the availability of Coast Guard equipment, and the level of Coast Guard training. Generally, Coast Guard personnel shall not actively engage in firefighting (on other than Coast Guard units) except in support of a regular firefighting agency under the supervision of a qualified fire officer. [NOTE: This term means a person who has been trained and certified, under National Fire Protection Association (NFPA) guidelines, to take command of firefighting operations.] Coast Guard personnel shall not engage in independent firefighting operations, except to save a life or in the early stages of a fire to avert a significant threat without

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8.C.1. (cont'd) undue risk. [NOTE: An exception is firefighting operations within the port area during certain defense readiness conditions.]

2. Personal Protection And Training. Coast Guard personnel employed in firefighting operations shall be properly trained and equipped for the task they are assigned. Coast Guard involvement shall be kept to a level commensurate with available leadership, experience, training, and equipment.

D. Contingency Planning For Firefighting Activities.

1. Introduction. The COTP is faced with a number of responsibilities and decisions when a shipboard or waterfront fire occurs. The decisions made may affect lives, millions of dollars in properties, and the free flow of maritime commerce. Contingency planning is a long-established practice among emergency services, its goal being to maximize efficiency when an emergency occurs. To achieve this goal, planners must anticipate possible situations or impacts, and prepare solutions before the problems occur. The Commandant has determined that contingency plans for fire scenarios, as they involve coordination with public and nonfederal agencies, shall be organized along the lines of the NCP. A sample outline for a contingency plan is presented in Figure 8-1. (For more information concerning contingency planning see chapter 6 of this volume.) Contingency plans must be updated regularly and exercised with other interested organizations in order to detect possible problems or deficiencies.
2. Content. Contingency plans shall describe the responsibilities of the lead organizations and the supporting actions of other agencies, including the Coast Guard, for various types and locations of fires. Specifically a statement concerning the relationship between local firefighters and the master of a vessel must be included. The presence of local firefighters does not relieve the master of command or transfer the master's responsibility for overall safety on the vessel. However, the master should not countermand any orders given by the local firefighters in the performance of firefighting activities, unless the action taken or planned clearly endangers the safety of the vessel or crew. Contingency plans must also address how to respond to emergencies that develop during firefighting (e.g., secondary explosions, injuries, trapped personnel, loss of water supply, or vessel drifting or sinking). Plans should include a description of the movement, handling, and storage of all hazardous cargoes in the port area, an identification of highly vulnerable areas, and a review or summary of fires in the area. Common terminology should be used in contingency plans to preclude confusion when several jurisdictions are involved. Definitions of maritime terms and others not commonly used by all parties should be included as necessary. A discussion of shipping agents and the traditional position-related responsibilities of merchant mariners may also be useful.
3. Role Of The COTP. All Coast Guard firefighting forces and equipment shall be under the overall control of the COTP or designated representative. Orders for the coordination of Coast Guard firefighters at the scene shall be passed through the COTP or designated representative by the local

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FIGURE 8-1

SAMPLE OUTLINE FOR A CONTINGENCY PLAN

Letter of Promulgation

Record of Amendments

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8.D.3. (cont'd) qualified fire officer (see paragraph 8.C.1 above). The COTP or designated representative shall be responsible for evaluating the orders of such persons, and executing only those that will not create unwarranted risk to Coast Guard personnel or equipment. The COTP or designated representative shall not assume overall control of firefighting efforts when appropriate qualified fire officers are present and able to take control.

4. Marine Firefighting Coordinator (MFC). An MFC may provide the COTP with expertise and advice during a firefighting situation. COTP's should consider establishing such positions as effective means of meeting training, planning, and response objectives, and of integrating Reserve resources into unit operations. The MFC is envisioned as a Coast Guard Reservist who is employed as a civilian firefighter and would be available on short notice to accept orders for temporary active duty (TEMAC). In addition, the designee should undergo advanced training in marine firefighting and should have first-hand knowledge of the local fire organization command structures. During scheduled drill time, an MFC could assist the COTP with firefighting planning and training, coordination of firefighting resources, and liaison between local fire departments and the unit.

5. Basic Planning Considerations.

a. Introduction. When identifying and contacting parties that may be involved, the following groups should be considered:

- (1) Vessel owners and operators;
- (2) Waterfront facility owners and operators;
- (3) State fire marshal;
- (4) Mayor's or city manager's office;
- (5) Local fire departments;
- (6) Local police departments;
- (7) Emergency service agencies;
- (8) Oil and hazardous substance cleanup companies;
- (9) Private firefighting services;
- (10) Towing companies;
- (11) Pilots' associations;
- (12) Coast Guard Vessel Traffic Services (VTS);
- (13) Marine exchange;

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- 8.D.5.a. (14) Railroads;
- (15) Marine salvage companies;
- (16) Longshoremen's unions;
- (17) Marine chemists;
- (18) Port authorities;
- (19) Utility service companies;
- (20) Ship service companies;
- (21) Shipyards;
- (22) News media representatives;
- (23) Aircraft reconnaissance sources;
- (24) Self-contained breathing apparatus (SCBA) refilling sources; and
- (25) Hospital supply companies.
- b. Communications. The involved parties will have different communications capabilities and many different radio frequencies. Because of this, common working radio frequencies should be pre-determined for use during a firefighting incident. Plans for loaning portable communication equipment among agencies should be considered.
- c. Use Of Cleanup Contractors. The COTP may find that local pollution cleanup contractors are not equipped to conduct activities where fires are involved. Development of this capability should be encouraged, as the spread of flammable liquids may result in the spread of a fire.
- d. Funding Of Firefighting Activities. In general, funding for Coast Guard firefighting activities must come from Coast Guard Operating Expense (OE) funds. Under some limited circumstances, the Federal Water Pollution Control Act (FWPCA) Pollution Fund or Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) Trust Fund may be available to reimburse firefighting expenses. This is limited only to those situations where the fire is fought specifically to abate the potential for a pollution incident. Firefighting activities related to the safety of life or property are generally not reimbursable from these funds.
- e. Actions Upon Notification. Prompt notification of all parties who have a need to know a fire has occurred is of utmost importance. The COTP should use a comprehensive notification list to ensure all parties have been notified. Upon notification of a waterfront fire, the COTP shall immediately determine the vessels in the fire area and

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- 8.D.5. e. (cont'd) the cargoes they are carrying. The COTP shall notify local shipping agents of their vessels' involvement or possible involvement, and any anticipated need to move them. Coast Guard personnel should contact all vessels both in and outside the fire area and advise the deck watch officer of the situation and of the possible need to get underway.
- f. Involvement Of Pilots. Nearly all state pilotage laws require a pilot to be on board all large vessels moved within a port. The COTP should consider the pilotage laws when determining the need for pilots in emergency situations. Local pilots' associations should be contacted to determine their procedures for handling emergency movement of vessels and response times of their members to representative locations. If a fire is reported on board a vessel or at a grain elevator, oil terminal, or other high-risk facility, uninvolved vessels moored at that facility or near the involved vessel may have to be moved immediately, with or without tugs or pilots; this may be accomplished, if necessary, through a COTP Order.
- g. Involvement Of Salvors And Marine Chemists. It should be kept in mind that many salvage companies operate over a wide geographic area. Thus, local salvage companies may have their personnel dispatched to distant jobs, while remote companies can actually respond more quickly to the situation. Also, marine chemists can obtain temperature readings, check for the presence and concentrations of gases, and provide information to firefighting forces concerning the chemical hazards that may be encountered during response activities.

E. Firefighting On Vessels.

1. Essential Considerations. Often, the COTP must make the difficult decision whether to allow a burning vessel to enter or be moved within the port. In preparation for this decision various scenarios should be rehearsed beforehand to consider possible outcomes of that decision. The COTP should approach such a situation with the view that the port or waterway is used by many parties for recreation and commerce. The overriding consideration is how the overall system functions; a burning vessel is only one element within that system. The possibility of a vessel sinking in a channel or spreading the fire to a waterfront facility during movement must be evaluated. Other elements of that system should not be jeopardized to save a single vessel if the risks are too great. Risk evaluation (and cost-benefit analyses where applicable) should be employed during the planning process. The prime considerations for allowing a burning vessel to enter or be moved within the port are:
- a. Location and extent of fire;
 - b. Class and extent of cargo involved;
 - c. Possibility of explosion;
 - d. Possibility of sinking/capsizing;

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8.E.1. e. Hazard to crew or other resources at present location;

f. Weather forecast;

g. Maneuverability of vessel (Is it a dead ship?);

h. Effects on bridges that must be transited; and

i. Alternatives if the vessel is not allowed entry or movement.

2. Allowing Entry Or Movement Of The Vessel. Before entry or movement is permitted, the vessel should be examined (with other involved agencies, if possible) in order to determine its condition. Permission for entry or movement may generally be granted when:

a. The fire is already contained or under control;

b. There is little likelihood that the fire will spread;

c. A greater possibility exists that the fire may be extinguished with equipment available in-port before secondary explosion or spread of fire; and

d. All appropriate parties, including elected officials, have been consulted.

[NOTE: A request for entry into the port by a burning vessel under declaration of "force majeure" should be evaluated under the same previously listed criteria.]

3. Additional Considerations. Once the decision to permit entry or movement of the vessel has been made, consideration should be given to:

a. A safety broadcast and Notice to Mariners;

b. Ordering the movement of other vessels or cargo stored in the area to preclude their involvement; and

c. Locating the vessel to facilitate the use of available resources in firefighting.

4. Importance Of Vessel Location. The success or failure of shipboard firefighting efforts may well be determined by the vessel's location; if the vessel is remotely located or otherwise inaccessible, there may be little opportunity to save it. The COTP should coordinate with fire departments, port officials, and involved agencies to pre-select moorage, anchoring, or grounding sites for burning vessels.

5. Considerations For Moorage Locations.

a. The flammability of pier structures and contiguous facilities;

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8.E.5. b. Availability of adequate water supply;

- c. Access for boats and vehicles;
- d. Location to minimize risks that navigation might be impeded; and
- e. Location of low risk to facilities or vessels, consistent with minimizing the distance the vessel must be moved.

6. Considerations For Anchoring Or Grounding Locations.

- a. Bottom material: this should not pose an undue risk of rupturing the vessel's hull;
- b. Water depth: this should be shallow enough that the vessel will not sink below the main deck level, yet deep enough that fireboats, salvage barges, and tugs can approach; and
- c. Environmental conditions (strong winds or currents): these may hamper firefighting, salvage, or other response efforts. Tidal influences and river level fluctuations must also be considered.

7. Other Factors For Consideration Of Vessel Entry.

- a. The amounts and types of insurance held;
- b. Verification of coverage for liability for any oil pollution removal costs, as evidenced by a valid Certificate of Financial Responsibility (COFR);
- c. Liability insurance for possible damages caused to other property; and
- d. A surety bond, in an amount equal to the estimated cost of removing the vessel from the port.

[NOTE: While these assurances are highly desirable, obtaining them may not be possible before action is required to save the vessel.]

8. Considerations For Denying Entry Or Movement.

- a. A danger, greater than the immediate danger to the vessel, crew, or cargo, that the fire will spread to other port facilities or vessels;
- b. A likelihood of the vessel sinking or capsizing within a navigable channel;
- c. A likelihood that the vessel may be abandoned as a derelict;
- d. Unfavorable weather or environmental conditions that preclude the safe movement of the vessel or firefighting efforts; and
- e. A risk of a serious pollution incident of oil or hazardous substances. The COTP should, in conjunction with district (m) staff

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8.E.8. e. (cont'd) and the Regional Response Team (RRT), assess pollution risks and determine whether a potentially polluting vessel should be allowed to enter port.

9. Intentional Sinking Of Vessels. When a vessel and its cargo are deemed to be a constructive total loss because of a fire, an attractive alternative to further firefighting and salvage efforts may be to sink the vessel in an area where environmental damage will be minimized. These areas should be predetermined in concert with the interested parties.

10. Response Considerations.

- a. Determination of what is burning (i.e., Class A, B, C, or D).
- b. Establishment of a command post.
- c. Obtaining vessel's fire control plan.
- d. Designation of someone to control operations ashore, responsible for:
 - (1) Hoisting equipment to main deck;
 - (2) Traffic control, so that access to the area is not blocked;
 - (3) Establishing a shoreside water supply; and
 - (4) Cooling the hull and deck plating to prevent buckling and rupture.
- e. Hose lines taken on board the vessel should be large hose line (2-1/2" or 3-1/2" diameter), with reducers for smaller hand lines and sufficient international shore connections.
- f. Determination as to whether the ventilation system is operable. If it is not, portable equipment will be required.
- g. Determination as to whether the fire main system is operating, and the locations of other firefighting resources on board.
- h. Planning for additional equipment to arrive on scene during the early stages of response (it may take considerable time for resources to reach the scene).
- i. Designation of an individual to control operations on the main deck of the vessel and establish a staging area for equipment and personnel. A vessel's officer should assist the person designated to control the main deck staging area.
- j. Recognition that a language barrier may exist. The vessel's agent, a vessel's officer, or other interpreter may be required.
- k. Designation of individuals to command activities on each deck or other area below the main deck where firefighting operations or other activities are in progress.

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8.E.10. 1. Consideration of the probable increase in personnel fatigue rates when working in the heated confines of a vessel. An orderly relief of personnel should be established on a rotational basis.

m. Designation of a Safety Officer, in addition to the person controlling operations on the main deck, who will:

- (1) Control the number of personnel being sent below decks, record their names and how long they have been working, and maintain standby personnel with breathing apparatus ready for immediate use; and
- (2) Coordinate the use of one crew of firefighters to advance the line, and a secondary crew to take over actual firefighting activities, when inaccessibility of the fire requires firefighters to use more than one-half of their air supply getting to the scene.

n. Beginning dewatering operations in the early stages of the response to prevent possible loss of stability, loss of electrical power, etc. Vessel bilge pumps should be used if operable; otherwise, portable systems will be required.

o. Assignment of an individual to monitor the pumping operation and possible pollution.

11. Considerations For Firefighting Inside The Vessel.

a. Engineroom.

- (1) Activation of the vessel's CO₂ or Halon system, if possible.
- (2) Use of indirect attack methods through engineroom ventilators or through space around stack(s).
- (3) Application of foam through main deck engineroom doors.
- (4) Advance of foam lines down the escape trunk and through shaft alley to the engineroom. Provision of back-up line before opening door, and shutdown of lines used in indirect attack just prior to opening the door between shaft alley and the engineroom.
- (5) Cooling of the decks, bulkheads, and hull, and protection of crews' quarters and other adjoining deck structures.

b. Crews' Quarters And Deck Structures.

- (1) Similar to above-deck structure fires, with the complicating factors of steel construction, below-deck locations, and narrow passageways.

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- 8.E.11.b. (2) Some vessels do not have steel bulkheads throughout. These vessels may use combustible pressed fiberboard or noncombustible panels for all or part of bulkhead partitions, including bulkheads between staterooms and passageways.

c. Cargo Holds.

- (1) Consideration of the properties of the cargo present, particularly its reactivity with water.
- (2) Sealing of the hatches and ventilators, if practicable.
- (3) Activation of the vessel's CO₂ or other extinguishing system.
- (4) Use of hose lines to dig out and extinguish fire.
- (5) Consideration of removing the cargo to get at the source of the fire.

F. Special Considerations According To Vessel Type.

1. Tank Vessels. A fire involving cargo tanks is usually preceded by an explosion. Firefighting measures may include driving any fire on the water surface away from the vessel, docks, or other hazardous exposures and applying foam to the involved area. The application of foam may be from the installed deck foam system, if provided, or through a pick-up tube using cans of foam concentrate and the firemain. The foam should be directed onto the affected deck area and into the ruptured cargo tanks where possible. Pumprooms are usually located just forward of the engineroom. Some large tank vessels have an additional pumproom located near the bow. Leaks from flanges, valves, or piping may result in the accumulation of flammable liquids in the pumproom bilge. In the event of ignition, quick shutdown of the mechanical ventilation system and activation of the vessel's CO₂ or other extinguishing systems are essential. Ventilator shafts should be sealed, if possible. If unsuccessful, application of foam through ventilator openings or through one of the pumproom doors should be considered.
2. Container Vessels. If fire breaks out in a container, its removal from an above-deck location must, in most cases, be accomplished by use of a dockside crane. The vessel's Dangerous Cargo Manifest should be examined to determine what hazardous cargoes are on board. On shelter-deck vessels, a container fire may fill holds forward and aft of the deck structure with heat and smoke. Container doors cannot usually be opened, nor a fire extinguished, while the container is within cell guideways. Due to the probability of heavy heat and smoke, it is possible that all containers within the exposed section may be destroyed, with accompanying heavy damage to the vessel's structural members. Every effort should be made to cool the affected container and those surrounding it.
3. Roll-On/Roll-Off (RO/RO) Vessels And Car Carriers. Some vessel types can be compartmented by closing doors on a longitudinal bulkhead or at a ramp

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- 8.F.3. (cont'd) location. Some car carrier hulls are so high that access from fireboats can be accomplished through side ports only. This may seriously complicate the staging of equipment, especially if the vessel is underway. [NOTE: Access to individual units within a compartment is difficult without unloading, due to close storage and low overhead clearance.] The vessel's CO₂ or sprinkler system shall be activated, if possible. If the vessel's fire main system lacks power for pumps or is damaged, use of pumps shoreside or on board another vessel will be vital. The international shore connection should be utilized, where possible.
4. Bulk Cargo Vessels. Holds containing metal turnings and borings will probably require flooding by specially-built manifolds with drop tubes, to deliver the water low in the hold to minimize the risk of steam explosions. Holds containing coal may require cargo discharge onto an adjacent dock to extinguish the fire. Coal that is heating spontaneously should be leveled, trimmed, and packed down tightly in the hold to minimize the chance of fire. The vessel's CO₂ system, if provided, shall be activated, and the hold(s) sealed until decisions are made as to:
- a. The best extinguishment method (depending on nature of fuel);
 - b. Where the vessel will be offloaded; and
 - c. Location of disposal area and overhaul procedures.
5. Passenger Vessels.
- a. Special Planning. COTP's shall work with local shipping representatives, port authorities, and response organizations to develop emergency response, accountability, and evacuation procedures for passenger vessels utilizing their ports. They should also work with vessel representatives and port authorities to develop a plan for immediate crew response to emergencies. During Control Verification examinations of passenger vessels, local firefighters should be encouraged to accompany Coast Guard inspectors to become acquainted with the layout, organization, and firefighting equipment on these vessels. However, they should receive the permission of the vessel's owners and/or master.
 - b. Firefighting. Fires involving the living or public spaces of a passenger vessel are very difficult to combat and extinguish if not detected early and attacked aggressively. The life hazard to passengers is great and their safety is paramount. The ventilation system serving living quarters provides easy access for fire, the associated smoke, and toxic fumes to communicate great distances in a short time. Rapid shutdown of the ventilation system is essential, but does not ensure that the ventilation system will not continue to contribute to the spread of fire or smoke. Because passenger vessels have many passageways, ladders, and compartments, firefighters tire quickly and air supplies are exhausted quickly. Early consideration must be given to the need to relieve fire teams and to ensure an adequate supply of air bottles/canisters for SCBA's. The establishment

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- 8.F.5. b. (cont'd) of fire boundaries on all sides and the deployment of additional attack hose lines to be prepared for an attack on areas not yet involved are also important. Prudent use of hose line nozzles, taking advantage of fog patterns wherever possible to minimize water used versus fire actually extinguished, is very important. The early establishment of a command structure and plan of attack, combined with the necessary means of communication, is essential to ensure a coordinated effort.

G. Protective Clothing.

1. General. The following protective clothing ensemble should be sufficient for most firefighting situations that involve support of shoreside operations from a floating unit or operations on board a vessel:

<u>Item</u>	<u>Description</u>
Coverall	Aramid fiber, Men's sizes 36-48 S/R/L, begins federal stock number (FSN) 8405-01-204-5367
Boots	Safety toe, Men's sizes 5-14 N/R/W/XW, begins FSN 8430-00-935-6229, AD CODE 2G
Zippers	10-eyelet, quick-lace, boot zipper, FSN 8430-00-020-8447
Helmet	Firefighter's, adjustable w/face shield, Cairns 660 or equivalent, General Services Administration (GSA) Schedule 42, Part I, Section A
Coat	Firefighter's 35" turnout, NFPA Standard 1971 - Nomex III Aramid fiber shell or equivalent; hook and pile closure for front flap. Liner material and type dependent upon local conditions, GSA Schedule 42, Part I, Section A
Gloves	Aramid fiber or heavy leather, GSA Schedule 42, Part I, Section A

2. Additional Criteria. Clothing and coveralls should be 100 percent cotton or fire-resistant material. Polyester or polyester/cotton blends shall not be used, as they can melt and cause serious injuries. For small boat operations, personal flotation devices (PFD's) should be worn over the coveralls and under the turnout coat. Boots shall have the zippers laced in to allow quick removal in the water. If entry into a vessel's interior or a building is necessary, an SCBA shall be worn. The use of adequate lighting, such as a helmet light, will facilitate operations and enhance personnel safety.

H. Training.

1. Introduction. Proper training is essential to maintain an adequate response capability and to protect Coast Guard personnel called upon to assist firefighters. Such personnel should be at least as well trained as

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8.H.1. (cont'd) the most minimally trained personnel with whom they will interact (including local firefighters and crewmembers of merchant vessels). The training programs envisioned here will not make Coast Guard men and women professional firefighters, but they will help them understand their capabilities and limitations in firefighting. Coast Guard units that support municipal fire departments in responding to waterfront and vessel fires should approach training as a two-phase process. The first should be initiated at the Level I qualification specified in NFPA Standard 1001.

2. NFPA Standard Training. A nationally recognized and certified training program that meets or exceeds NFPA 1001 standards for entry level professional firefighters should be used. Many fire departments can provide this training locally. This avenue of training should be explored carefully, considering the costs and the benefits of being trained by the organization that will likely request Coast Guard support. This level of training provides:

- a. Basic fire science;
- b. Fire inspection requirements;
- c. Safety, first aid, and rescue techniques; and
- d. Concepts and hands-on experience in the use of breathing apparatus, ropes, fire appliances, sprinkler systems, water streams, ventilation techniques, and communications during firefighting operations.

3. Follow-Up Training. The second training phase broadens the basic knowledge obtained through NFPA Standard 1001 and applies it to situations on board vessels. The Marine Firefighting Courses offered by the Military Sealift Command (MSC), Pacific, Oakland, CA, and Texas A&M University, College Station, TX, are recommended as the best and most cost-effective training programs available for personnel who may respond to vessel fires. These courses consist of classroom and fireground exercises designed to familiarize mariners with the chemistry and physics of fire, shipboard firefighting agents and equipment, fixed extinguishing and detection systems, breathing apparatus, considerations for hazardous cargoes, fire prevention, shipboard search and rescue, and first aid. The fireground exercises provide an opportunity to use common shipboard equipment in fighting various types of fires. [NOTE: The Damage Control and Firefighting courses offered by the U.S. Navy do not address structural firefighting problems; they are not acceptable alternatives to NFPA Standard 1001 or follow-up training.]

- I. Headquarters Support. The Commandant does not intend to greatly expand the Coast Guard's firefighting equipment inventory. However, procurement of protective clothing and specialized equipment in quantities sufficient to protect Coast Guard personnel involved in firefighting will continue. This policy may require stockpiling of firefighting chemicals and equipment in some locations. The Offices of Engineering (G-E), Operations (G-O), and Marine Environment and Systems (G-W) will coordinate retrofitting and procurement of

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8.I. (cont'd) necessary firefighting equipment and protective clothing. The Offices of Merchant Marine Safety (G-M) and Research and Development (G-D) will ensure that the latest design and equipment information is available to operational program directors for the most effective use of Coast Guard resources.

J. Use Of International Shore Connection.

1. Introduction. The International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, requires an "international shore connection" to be carried on board all passenger and cargo vessels of 1,000 or more gross tons engaged on international voyages. This universal coupling, as illustrated and described in 46 CFR 162.034, is designed to connect firemain systems between one vessel and another or between a shore facility and a vessel. The connection shall be constructed of material suitable for 150 pounds per square inch (p.s.i.) service; it shall have a flat-face flange on one side, and a permanently attached coupling that will fit the vessel's firemain piping and hoses on the other side. The flange can be gasketed and bolted quickly, enabling an assisting vessel or facility to provide firemain pressure to a distressed vessel.
2. Coast Guard Enforcement. The Coast Guard is responsible for U.S. implementation of these requirements. COTP's shall ensure that international shore connections are carried on board vessels in U.S. ports as required. They should encourage facility operators, municipal fire departments, and other interested organizations to obtain these couplings and have them readily accessible.